

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.803 OF 2018

Kailash Behraram Chaudhary Petitioner

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Prashant Malik a/w Mr. Irfan A.A. Ansari, a/w Mr. Vaibhav Shah for the Petitioner.

Mr. Siddhiqui M. Arif for Respondent no.2.

Mr. Deepak Thakare, P.P. a/w Mrs. P.P. Shinde, APP for the Respondent-State.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ

Date : 28th March, 2018

P.C.

1 The quashing of the F.I.R. being C.R. No. I-252/2017 registered with the Tardeo Police Station, Mumbai, for the offences punishable under Sections 376, 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offence Act ("POCSO" for short) is sought, by consent.

2 The above writ petition is founded on the fact that the first informant has got married in April, 2017 and that the continuance of the investigation would come in the way of the

first informant's happy married life. It was sought to be projected to us that after the F.I.R. was registered, the first informant got married. But on perusal of the respective dates i.e. the date of F.I.R. and the date of the marriage, it is clear that the F.I.R. has been lodged much after she got married in April, 2017. Prima facie, having regard to the substance of the allegations as appearing in the F.I.R., the ingredients of the offences alleged can be said to be made out. It is required to be noted that at the relevant time, the first informant was a minor and therefore, the provisions of the POCSO have also been invoked. Since both the offences under Sections 376 of the Indian Penal Code and the offences under the POCSO can be said to be offences against the society, we do not deem it appropriate to exercise our writ jurisdiction to grant the reliefs sought by the petitioner by way of the above petition. The Writ Petition is accordingly dismissed.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)