

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1053 OF 2017**

Sayali Atul More & Anr

..Applicants

Vs.

The State of Maharashtra

..Respondent

Mr. I. R. Kulkarni for the Applicants

Mr. A. R. Kapadnis APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 10th JANUARY, 2018**

P.C.

1 At the outset, the Learned Counsel for the Applicants seeks leave to amend so as to correct prayer clause (a) in so far as the FIR number is concerned. Amendment to be carried out forthwith.

2 The above Criminal Application has been filed by the first informant for quashing of FIR No.463 of 2016 which was registered with the Goregaon Police Station on 26-10-2016 for the offences punishable under Section 354(D) of the Indian Penal Code. The FIR discloses that at the relevant time the first informant i.e. the Applicant No.1 herein was studying in 10th Std., and the allegations which are reflected in the FIR is as regards a co-student doing an act having ingredients of Section 354(D) of the IPC. The above Criminal Application has been founded on the fact that the Applicant No.1 has passed 10th Std., examination thereafter and therefore the continuance of the proceedings pursuant to the lodging of the FIR would not be in her interest.

The Applicant No.2 is the father of the first informant who is personally present in court with the Applicant No.1.

3 In our view, considering the tender age of the Applicant No.1 as also her co-student in the school against whom she has made allegations, it would not be in the interest of the Applicant No.1 to continue and proceed with the matter pursuant to the lodging of the FIR. In coming to the said conclusion, we are solely influenced by the fact that the Applicant No.1 is at the threshold of her life and prosecuting the case in respect of the allegations which she has made, would not be in her best interest.

4 We have questioned the Applicant No.2 who is the father of the Applicant No.1 and when put in the box and queried, he reiterates what has been stated in the above Criminal Application that the Applicant No.1 and he are not interested in going ahead with the FIR as according to him that would not be in the interest of the Applicant No.1.

5 Hence in the peculiar facts and circumstances of the case, we deemed it appropriate to allow the present Criminal Application in terms of prayer clause (a). The above Criminal Application is accordingly stand disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]