

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2438 OF 2018

Lakki Natthusingh Valmiki ... Petitioner

Versus

State of Maharashtra and Anr. ... Respondents

ALONG WITH

WRIT PETITION NO. 1805 OF 2018

Jolly Dinesh Valmiki ... Petitioner

Versus

State of Maharashtra and Anr. ... Respondents

Mr. Sanskar Marathe for the Petitioners.

Mr. FV.R. Shaikh, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
N.M. JAMDAR, JJ.**

DATE : FEBRUARY 11, 2019

P.C.:

The accused and complainant are jointly seeking quashing of the FIR under section 363 of IPC read with section 17 of POCSO Act.

2. The report was lodged by the brother of the victim and therefore, petition is filed by him for quashing. The victim is also

present with a request to quash the offence.

3. Parties state that the accused has got married and similarly the victim also is married in the meanwhile.

4. Learned APP is opposing intervention. He submits that every offence under POCSO is of grave nature. The trial court already framed the charge and the matter is fixed for evidence. The accused is in custody. He adds that the accused has married a widow of his elder brother. He also submits that the victim has married with somebody else.

5. We have considered the controversy. Filing of report and investigation is not in dispute at least at this stage. We are more concerned with the nature of offence and the propriety of recourse to extra ordinary jurisdiction of this court in such matters.

6. The fact show that the exercise of extra ordinary jurisdiction of this court will not be in the interest of the society.

7. We therefore, keep all the contentions open and dispose of the matters.

(N.M. JAMDAR, J.)

(B.P. DHARMADHIKARI, J.)