

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4317 OF 2019

Mr. Satpalsingh Surajsingh Bawari ... Petitioner

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Suraj Vaswani for the petitioner.

Mr. Deepak Thakre, PP a/w Smt. S.D. Shinde, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.
DATE : NOVEMBER 20, 2019

P.C.:

Sincere effort of the learned counsel for the petitioner is to urge that the relation between petitioner who was then hardly 17 years and victim then aged about 14 years and 6 months was consensual. He was/is in love with her and wants to marry her.

2. Respondent no.2 mother of the victim has after learning that the victim is pregnant, lodged a report. Cognizance has been taken under section 376(2)(n) and 506 of IPC. The provisions of Protection of Children from Sexual Offences Act (POCSO) 2012 have also been applied.

3. He adds that the petitioner is in jail since last more than 2.1/2 years and his parents are treating the victim girl as their

daughter in law.

4. The affidavit of father of the petitioner accepting this statement/responsibility, has placed on record pointing out that life insurance policy in favour of victim has also been drawn and amount has been invested in bank deposit. The victim is also admitted for vocational training.

5. Respondent no. 2 complainant has also supported the affidavit giving no objection for quashing of the prosecution.

6. Even at this stage, the victim is below 17 years of age.

7. We cannot in writ jurisdiction take cognizance of the request.

8. We grant the petitioner leave to file appropriate application before the trial court.

9. Accordingly we dispose of the proceedings.

(SMT. SADHANA S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)