

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1530 OF 2019**

Vishal Sunil Kumar ... Applicant
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Chetan S. Damre for the Applicant.
Dr. F.R. Shaikh, APP for the Respondent – State.
Mr. Aashish Satpute for Respondent No.2.
Mr. Sawant, PN/1600, Mira Road Police Station, Dist. Thane
present.

**CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.
DATE : DECEMBER 09, 2019.**

P.C.

1] In relation to alleged incident dated 7th August 2016, report has been lodged on 29th August 2016 stating that the husband of complainant was away and had returned on 28th August 2016.

2] The minor victim, thereafter, has not given any statement either before Child Welfare Committee (for short “CWC”) or before Judicial Magistrate First Class under Section 164 of Cr.P.C.

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3] On the basis of available material, the chargesheet has been presented on 18th February 2017.

4] Respondent No.2 - complainant (mother) and the applicant are jointly requesting for quashing of offences which is under Sections 354-A and 506 of Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

5] We wanted to ascertain whether there are any antecedents of the applicant.

6] There are no such antecedents as reported by learned APP upon instructions from Mr. Sawant, P.N. No. 1600 attached to Mira Road Police Station, Dist. Thane, who is present in the Court.

7] The complainant has tendered an affidavit stating that because they are neighbours and hail from same place, the families have decided to settle the dispute amicably.

8] In this situation, as we find that noting fruitful will come out of prosecution, in the present facts, we are willing to exercise extraordinary jurisdiction subject to the applicant paying amount of Rs.25,000/- as costs to CWC, Dongri within four weeks from today. Subject to such payment, we make Rule absolute in terms of prayer clause (a).

9] Criminal Application is disposed of.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)