

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.174/2019

Shrikrushna S/o Pundlik Shelke

..Vs..

State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.M. Bhangde, Advocate for the applicant.
Shri T.A. Mirza, A.P.P. for non-applicant / State.

CORAM : Z.A. HAQ AND VINAY JOSHI, JJ.

DATED : 12.4.2019.

Heard.

By this application under Section 482 of the Code of Criminal Procedure, the applicant (accused) has prayed that the charge-sheet bearing No.55/2017 and the consequential Special Case Child Protection No.16/2017 registered against him and pending before the Sessions Court, Mangrulpur for offences punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 be quashed.

Learned Advocate for the applicant (accused) has taken us through the F.I.R. and the statement of non-applicant No.2 - Jaya (informant). According to the applicant, he is falsely implicated because of the dispute going on between him, and his father and step-mother. Our attention is invited to the fact that Regular Civil Suit No.36/2013 filed by the applicant against Pundlik

(applicant's father) is also pending. Learned Advocate for the applicant has pointed out F.I.R. lodged by Anita (wife of applicant) against Pundlik (father of applicant) and Parvati (step-mother of applicant). One of the submission is that the informant (Jaya) is not minor but is major and is married. To support this argument, documentary evidence is not placed on record.

After examining the matter and hearing learned Advocate for the applicant and learned A.P.P., we are of the view that considering the nature of controversy it cannot be said to be a fit case for exercising inherent jurisdiction under Section 482 of the Code of Criminal Procedure to quash the proceedings. The criminal application is **dismissed**. However, the applicant will be at liberty to file application praying for discharge, before the trial Court.

JUDGE

JUDGE