

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.101 OF 2021

1. Vijay S/o. Ratan Nagdeve,
Aged about 26 years, Occ. Private,
R/o. House No. 164/A/406,
Kamgar Colony, Subhash Nagar,
Hingna Road, Nagpur.
2. Vaishnavi D/o. Suresh Kadam,
(Vaishnavi W/o. Vijay Nagdeve
name after marriage),
Aged about 20 years, Occ. Housewife,
R/o. House No. 164/A/406,
Kamgar Colony, Subhash Nagar,
Hingna Road, Nagpur. **APPLICANTS**

. **VERSUS**

The State of Maharashtra through
Police Station Officer,
Ranapratapnagar Police Station,
Nagpur. **NON-APPLICANT**

Shri U.P.Dable, Advocate for applicants.
Shri T.A. Mirza, Additional Public Prosecutor for Non-applicant -
State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 19/01/2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.
2. Rule. Rule is made returnable forthwith. Heard by
consent of the learned Advocate for the applicants and the learned

Additional Public Prosecutor appearing for the respective parties.

3. The applicants have filed present application under Section 482 of the Code of Criminal Procedure challenging the registration of the First Information Report bearing No.192/2017 for offences punishable under Section 376 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act) and consequent charge-sheet pending before the Extra Joint District Judge-1, Nagpur.

4. The First Information Report came to be registered against the applicant no.1 by the applicant no.2 with the accusation that the applicant no.1 on 10.4.2017 committed forcible sexual intercourse with the applicant no.2. Pending the investigation, the applicants have settled their dispute amicably. It is stated on affidavit by the applicant nos.1 and 2 that they have performed marriage on 12.5.2020 and since then both are leading happy married life. Marriage Certificate dated 11.6.2020 is annexed at Annexure no.3. The applicants have filed joint application for quashing of the First Information Report and the charge-sheet.

5. We have carefully considered the contents of the First Information Report. It appears that after registration of First Information Report, the applicant no.1 has married with the applicant no.2 and are residing happily as husband and wife. Insofar as the offence registered under Sections 4 and 8 of the POCSO Act, we have considered the allegations in the First Information Report and it appears that the report was lodged by the applicant no.2 on 4.5.2017 when the applicant no.2 was aged about 17 years. It further appears that the applicant no.2 was of age of understanding. Therefore, we do not find any impediment in quashing the First Information Report and the charge-sheet against the applicant no.1. We, therefore, pass the following order:

ORDER

Rule is made absolute in terms of prayer clause (i). Prayer clause (i) reads as under:

“(i) Allow the application thereby quashing the final report/charge-sheet no.27/2019 dated 02.03.2019 under Section 376 of Indian Penal Code and Sections 4 and 8 of the Protection of the Children from Sexual Offences Act, 2012, filed by Police Station, Ranapratapnagar, Nagpur in F.I.R.

No.192/2017 and the Sessions Case bearing Special Case Child Protection no.48/2019 pending before Extra Joint District Judge-1 & Additional Sessions Judge, Nagpur, on the above mentioned facts and circumstances”.

JUDGE

JUDGE

Ambulkar