

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO.699 OF 2020

(SURESH SHIVA SAWANT...VS.. STATE OF MAH.THR.PSO PS KURHA, AMRAVATI & ANR.)

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

Court's or Judge's orders

Ms S.S.Jadhav, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant No.1.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : FEBRUARY 01, 2021.

The accused has filed this application under Section 482 of the Code of Criminal Procedure praying that the First Information Report No.142 of 2020 registered against him with the non-applicant No.1-Police Station for the offences punishable under Sections 354, 354A, 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be quashed. The First Information Report is registered pursuant to the report lodged by the non-applicant No.2 (father of the minor victim aged about 17 years). It is submitted that the matter is amicably settled between the applicant and the non-applicant No.2 (father of the minor victim).

2. The learned A.P.P. raised objection for granting prayer of the applicant for quashing the First Information Report, contending that the victim is not before the Court and there cannot be settlement between the applicant and father of the victim.

3. The objection raised on behalf of the non-applicant No.1/State appears to be justified. It would not be possible for this Court to consider the prayer of the applicant for quashing the First Information Report in absence of the victim and in view of the fact that the victim is minor.

Hence, the Criminal Application is **dismissed**.

CRI.APPLN.NO. 134/2021.

In view of disposal of the Criminal Application No. 699 of 2020, the instant application seeking permission to amend the prayer clauses does not survive, hence, it is **disposed**.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)

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