

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

CRIMINAL APPLICATION (APL) NO. 757 OF 2021

1. Ku. Chetana D/o. Mohan Vagare,
Aged 21 years, Occ. Student,
R/o. Deomali Nagar, Paratwada,
Tq. Achalpur, Dist. Amravati.

2. Yash S/o. Rajendra Tiwari,
Aged 23 years, Occ. Private job,
R/o. Sai Nagar, Amravati,
Dist. Amravati.

.....APPLICANTS

... **VERSUS** ...

State of Maharashtra,
Through Police Station Officer,
Paratwada, Tq. Achalpur,
Dist. Amravati.

.....NON-APPLICANT

Shri S. I. Ghatte, Advocate for Applicants.

Shri V. A. Thakare, Additional Public Prosecutor for Non-applicant.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 03.09.2021.

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

1. Heard.

2. Rule. Rule is made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicants have jointly filed this application for challenging registration of the First Information Report No.202/2018 dated 09.06.2018 registered with the

non-applicant - Police Station, charge-sheet No.102/2018 for the offences punishable under Sections 354-D, 506 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Special Case No.121/2018 pending before the learned District and Sessions Court, Achalpur.

4. The First Information Report came to be registered against the applicant No.2 with the accusations that the applicant No.1 and the applicant No.2 are childhood friends. The applicant No.2 used to accept amount from the applicant No.1 and used to dissuade the applicant No.1 from study. It is alleged that due to said acts, the applicant No.1 failed in her 12th standard examination and thereafter she refused to maintain any relationship with the applicant No.2. The applicant No.2 therefore, on 23.05.2018 sent gift to the applicant No.1 and called her on 24.05.2018 stating that she should come to him and they will enter into agreement of living relationship. It is alleged that if she refused to maintain living relationship, he will see to it that father of the applicant No.1 is removed from his service. It is also alleged that the applicant No.2 used to send messages to the applicant No.1 and thereby harassing her.

5. On the date of filing of the First Information Report, the age of the applicant No.1 was 17 years and therefore, the offence under the Protection of Children from Sexual Offences Act was

also registered against the applicant No.2. The Investigating Agency carried out the investigation and filed charge-sheet against the applicant No.2.

6. During the pendency of the proceedings, the applicant Nos.1 and 2 have arrived at mutual settlement. The age of the applicant No.1 on the date of filing of the application was 21 years. Today both the Applicants are present in the Court. Applicant No. 2 stated that he has scored 96% marks in Engineering examination. It appears that Applicant No. 2 is meritorious student.

7. We have carefully considered the allegations in the First Information Report and material produced on record in the form of charge-sheet. On careful consideration of the material, we are satisfied that the ingredients of the offences alleged against the applicant No.2 are not fulfilled, even if, the allegations made in the First Information Report and the material produced by the applicants on record are considered.

8. This Court in ***Criminal Application No. 988/2019*** (*Taj @ Arjun S/o. Ajay Mishra and Anr. Vs. State of Maharashtra*) decided on 22.10.2019, in ***Criminal Application No.167/2019*** (*Areeb Naseer Sarguroh Vs. The State of Maharashtra and Anr.*) decided on 09.10.2019 and also in ***Criminal Writ Petition***

No.137/2015 (Meghnath Pandurang Divkar Vs. State of Goa and Ors.) decided on 28.10.2015 has quashed the First Information Report registered under the provisions of the Protection of Children From Sexual Offences Act, 2012 on the ground of compromise between them.

9. In view of above, there is no impediment for quashing the proceedings against the applicant No.2.

10. We therefore, pass following order :

The First Information Report No.202/2018 dated 09.06.2018 registered with the non-applicant - Police Station, Charge-Sheet No.102/2018 for the offences punishable under Sections 354-D, 506 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Special Case No.121/2018 pending before the learned District and Sessions Court, Achalpur, are quashed and set aside against the applicant No.2.

11. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE