

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

CRIMINAL APPLICATION (APL) NO.37 OF 2021

1. Sau. Girja W/o. Vijay Ambhore,
Aged 35 years, Occ. Housework,
(Informant)
2. Maroti S/o. Suresh Shevarkar,
Aged about 40 years, Occ. Labour,
3. Rahul S/o. Hanuman Shevarkar,
Aged about 34 years, Occ. Labour

All R/o. Rajendra Nagar, Akot,
Tah.Akot,Dist.Akola.

.APPLICANTS

..... VERSUS

State of Maharashtra through
Police Station Akot (City),
Dist. Akola.

..... NON-APPLICANT

Shri G.N. Shinde, Advocate for applicants.

Shri S. D. Sirpurkar, Additional Public Prosecutor for Non-
applicant - State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 18/01/2021.

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. This is joint application filed by the Victim and the Accused. This is an application under Section 482 of the Code of Criminal Procedure challenging First Information Report No.291/2020 alongwith Charge-sheet No.71/2021 for offences punishable under Sections 354 and 324 read with Section 34 of the the Indian Penal Code read with Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

4. The First Information Report came to be registered against the applicant nos.2 and 3 with the accusation that the applicants touched daughter of the applicant no.1, aged about 11 years with bad intention. It is also alleged that the applicant no.3 assaulted the informant with iron rod.

5. The applicants are residing in the same locality and have amicably settled their dispute. It is stated in the application, which is sworn by the informant that the informant was in confused state of mind after quarrel with the applicant nos.1 and 2. The First Information Report came to be registered against the applicant nos.2 and 3 in heat of anger and confused state of

mind. It is stated that they do not wish to continue with the criminal proceedings on the basis of registration of First Information Report no.291/2020. The applicants have, therefore, filed present application for quashing of registration of First Information Report and consequent charge-sheet.

6. We have carefully considered the contents of the First Information Report. Though, the offence under Sections 7 and 8 of the POCSO Act has been registered against the applicant nos.2 and 3, it appears that the allegations in the First Information Report are vague in nature. It appears that the applicants are residing in the same locality. They have peacefully and amicably settled their dispute. In view of the settlement of dispute, there are bleak chances of conviction of the applicant nos.2 and 3. Therefore, it is not advisable to continue with the proceedings before the Special Judge, Akot, as the Criminal Courts are already overburdened with the work. If the present First Information Report and the charge-sheet is quashed, the time of the Court, which is saved can be utilised for some other fruitful litigation. We are, therefore, satisfied that the continuance of the prosecution would amount to abuse of process of Court. We, therefore, pass the following order:

ORDER

Rule is made absolute in terms of prayer clause (A).

Prayer clause A reads as under:

“A. Quash and set aside the First Information Report vide Crime No.0291/2020, and Charge-sheet no.71/2020 dated 25.08.2020 registered by Non-applicant – Police Station Akot (City), Dist. Akla for the offence punishable under Sections 354 and 324 read with Section 34 of the Indian Penal Code and Sections 7 and 8 of the Prevention of Children Sexual Offences Act (POCSO) (Annexure-1 and 2) and proceedings pending before the learned Special POCSO Court, Akot bearing Spl.Case Child. Prot.Act No.26/2020”.

JUDGE

JUDGE

Ambulkar