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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 139 OF 2018

Sunil D. Kamte ... Applicant
V/s.
The State of Maharashtra and anr. ... Respondents

Dr. Samarath S. Karmarkar a/w. Ms Juhi Mehta i/b Karmarkar &
Associates for the Applicant.
Mr. J.P. Yagnik, APP for the Respondent- State.
Mr. Akshay Kumar i/b Mr. Shivraj for Respondent No.2.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.
DATE : 24 JUNE 2022.

P.C.

. The learned Counsel for the Applicant contends that the FIR
be quashed by consent of the Respondent No.2 – Complainant.

2. We have perused the contents of the FIR. The FIR was
lodged by mother of the survivor girl, who when the incident took
place was aged 14 years. The allegations in the FIR are that minor
was sexually abused by the Applicant and therefore, the FIR
invoking the offences under Section 8 of Protection of Children
from Sexual Offences Act, 2012 read with Section 354 of the Indian
Penal Code was lodged.

3. The quashing of FIR with the consent of the mother of survivor girl, the Complainant, is opposed by the State. According to us, the State is right in these circumstances to oppose the quashing of FIR with the consent of mother.

4. As regards the merits of the case are concerned, the learned Counsel for the Applicant states that any observations by this Court on merits of the matter would affect the Applicant in his application for discharge, if any and at the trial. In light of this position, keeping the merits of the Applicant's defence open, the Criminal Application is disposed of.

5. It is open to the Applicant to make a request to the trial court to take up the case on priority basis and it is for the concerned Judge depending on work load, to consider the request.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)