

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

CRIMINAL APPLICATION [APL] NO.144 OF 2022

Juhi Vijay Ahuja & others – Applicants

vs.

State of Maharashtra, through
Police Station Officer, P.S. Khadan,
Akola, Tah. & Distt. Akola – Non-Applicant

Mr. G.I. Dipwani h/f Ms. K. Ananadani, Advocate for Applicants.
Mrs. M.H. Deshmukh, A.P.P. for Non-Applicant/State.

**CORAM : NITIN JAMDAR &
ANIL L. PANSARE JJ.**

DATE : 24 FEBRUARY 2022

Request is made on behalf of the learned Counsel for the Applicants for adjournment. The application had come up earlier and was kept today.

02] The application is filed jointly by the Complainant and the Accused named in the F.I.R. The F.I.R. is lodged under Sections 354, 354-A, 354-D, 420, 506 read with Section 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act (POCSO). A cognizable offence, which is against the Society, can be quashed by consent of the Complainant

only after the Court permits so that too in limited circumstances. Therefore, unless and until the Court so permits, there cannot be any agreement in the eyes of law to enable one Advocate to represent both the Complainant and the Accused. Such procedure is unknown to law and is against the public policy. Till the offence is quashed, the Accused and the Complainant remain two different parties and, therefore, it is not appropriate for one Advocate to represent both. The application for quashing the proceedings, even assuming there is a consent of the Complainant, will have to be filed by making the Complainant as party-respondent and following the further procedure.

03] The Registry shall take note of this order and take follow up action.

04] On merits, it remains to consider whether the offences in these applications be quashed by compromise, however, that aspect will be considered when a proper application is filed

05] The application is accordingly disposed of.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]

Sandesh