

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3523 OF 2022**

Rajgonda Balgonda Chavare And Anr.

...Petitioner

V/s.

State Of Maharashtra And Anr.

...Respondents

Mr. D.V. Sutar a/w Mr. Kiran G. Kulkarni, Ms. Kavita D. Vijapure for
Petitioner.

Mrs. M.H.Mhatre, A.P.P. for the Respondent-State.

Mr. A.A. Waichal, (A.P.I.) Shahapur Police Station, Ichalkaranji, Dist.
Kolhapur is present.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 12th JANUARY, 2023.

P.C.:-

. It is the grievance of Petitioner that, the Respondent Police Officers did not lodge crime immediately on the basis of undated complaint annexed to the Petition at page 30(A).

2. Heard Mr. Sutar, learned Advocate for Petitioner and Mrs. Mhatre, learned A.P.P. for Respondent-State. Perused the record.

3. It is an admitted fact on record that, on the basis of representation made by Petitioner to the Superintendent of Police, Kolhapur, dated 03.05.2022, immediately at about 00.44 a.m., Shahapur Police Station, Ichalkaranji, Dist. Kolhapur registered a crime bearing C.R.No.93 of 2022

for the offences punishable under Sections 376(2)(j), 376(2)(n), 506 read with Section 34 of Indian Penal Code (*for short 'IPC'*) and Sections 4, 8 & 12 of the Protection Of Children from Sexual Offences Act, 2012 (*for short "POCSO Act"*). The contention that, the Police Officers attached to the said Police Station did not lodge crime promptly and therefore they are liable to face consequences as contemplated under Section 21 of the POCSO Act is therefore not sustainable. Record of investigation indicates that, the statement of victim, Petitioner and other witnesses have been recorded by the Police. That, during the course of investigation, the principal accused, namely, Tushar Kite surrendered before the trial Court and the trial Court released him on regular bail. As far as other three accused persons namely Prathamesh Shinde, Aditya Fulare & Abhi Kokane are concerned, they have been granted pre-arrest bail by the trial Court. The Police after completion of investigation have submitted chargesheet in the Court having competent jurisdiction.

4. We therefore find that, after receipt of information of an offence under the provisions of POCSO Act by the Police, it promptly acted upon it and have registered crime swiftly. As far as the incident dated 07.03.2022 is concerned, it pertains to consumption of poisonous substance by the victim on that day for which she was treated by the Causality Medical Officer, attached to Padmabhushan Vasantdada Patil Government Hospital, Sangli. It is to be noted here that, on 07.03.2022, the victim did not

disclose to the concerned doctor that, she was subjected to an offence as contemplated under Section 376(2)(j) of IPC. The contention of Petitioner that, on 07.03.2022 itself the case of Petitioner was supposed to be registered by the Police, therefore according to us has no substance in it. As the Police have registered crime on the basis of complaint of Petitioner and after completion of investigation have submitted charge sheet, we are of the view that, no action against the Respondent Nos.5 to 9 is necessary under Sections 166 and 166(A) of IPC read with Section 21 of the POCSO Act.

5. Learned A.P.P. on instructions from Mr. A.A. Waichal, (A.P.I.) attached to Shahapur Police Station, Ichalkaranji, Dist. Kolhapur submitted that, on the basis of complaint made by Petitioner with the Superintendent of Police, Kolhapur, in depth inquiry has been conducted by the Sub Divisional Police Officer, Ichalkaranji Division and a report exonerating the concerned police personnel has been submitted to the Superintendent of Police, Kolhapur on 01.08.2022.

6. In view of the above, nothing further survives in the Petition and is accordingly disposed off.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)