

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

CRIMINAL APPLICATION (APL) NO. 114/2020

1. Rakesh Ramesh Thombre,
Aged 25 yrs., Occ. Agriculturist,
R/o. Kukudsat, Post Lakhmapur,
Tah. Korpana & Dist. Chandrapur.
**(Applicant No.1 is present in criminal
revision, Chandrapur.)**
2. Pranjali Anil Bataki,
aged about 18 yrs., Occ. Student,
R/o. Rana Post Marda,
Tq. Warora, Dist. Chandrapur.

... **APPLICANTS**

VERSUS

The State of Maharashtra,
through Police Station Officer,
Police Station Warora,
Dist. Chandrapur.

... **NON-APPLICANT**

Mr. S.V. Sirpurkar, Advocate for applicants.
Mr. N.R. Rode, APP for non-applicant/State.

**CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.**

DATE : 09.08.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. Applicants seek to quash First Information Report ('FIR')

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vide Crime No. 1448/2019 for the offence punishable under Sections 376(1), 506 of the Indian Penal Code, Section 4, 12, of the Protection of Children From Sexual Offence Act ('POCSO') along with charge-sheet No. 56/2020 for the offence punishable under Section 376(2)(a), 506 of the Indian Penal Code, Section 4,12 of the POCSO Act and Section 67(b) of the Information Technology Act, 2008 registered with Police Station Warora, Chandrapur on merits as well as on account of mutual settlement.

3. At the instance of report lodged by informant girl aged 18 years, crime was registered. According to informant, applicant had sexually exploited her under promise of marriage. On the basis of said report, crime was registered. The Police investigated the matter and on completion, filed charge-sheet. It is informed that the Trial Court has yet not framed the charges. Post registration of FIR both in love had married on 14.02.2020 and the marriage was registered on 28.03.2023. The marriage registration certificate has been produced. Informant has stated on affidavit about settlement, her marriage and non-inclination to go on with the trial.

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4. Today, the informant girl is present before us along with her father. Both are identified by their Advocate Mr. Sirpurkar before the Court. On our query, the victim girl has specifically stated that she got married with applicant No.1 (accused) on 14.02.2020 and since then she is residing with him. Additionally it is stated that the informant and applicant No.1 had a baby from marriage and they are residing together happily. Father of victim also stated that by the time, both have married and residing together.

5. Though the offence is of serious nature, however this case has peculiar facts of its own. It reveals that while the girl was at the verge of majority, they have developed friendship through Facebook. Applicant No.1 (accused) assured for marriage and had established sexual relations. It is stated that the relation was out of intimacy. It is argued that applicant No.1 got married with the girl, hence has no intention to deceive at all. It reveals that both got married prior to two years and blessed with a child on 09.12.2020. Presently, they are living happily together. In the circumstances, if the prosecution is allowed to continue, it would be at the detriment of their matrimonial life. Since both are married and living together, there is

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no purpose in continuing the criminal prosecution. The ends of justice can be secured by quashing the proceeding with sole object of saving the marriage and future of child.

6. In view of above peculiar facts, we are inclined to exercise our inherent powers. Hence, application is allowed. We hereby quash and set aside FIR vide Crime No. 1448/2019 for the offence punishable under Sections 376(1), 506 of the Indian Penal Code, Section 4, 12 of the Protection of Children From Sexual Offences Act ('POCSO') along with charge-sheet No. 56/2020 for the offence punishable under Section 376(2)(a), 506 of the Indian Penal Code, Section 4,12 of the POCSO Act and Section 67(b) of the Information Technology Act, 2008 registered with Police Station Warora, Chandrapur and pending criminal cases on account of mutual settlement.

7. Application stands disposed of in above terms.

(VALMIKI SA MENEZES, J.)

Gohane

(VINAY JOSHI, J.)