



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

CRIMINAL APPLICATION (APL) NO. 1318 OF 2023

Shubham S/o. Dadarao Sawang,
Aged about 21 years, Occu. - Student,
R/o. At Vasava postal colony,
Kaulkhed, Akola.

.... **PETITIONER**

// VERSUS //

1) State of Maharashtra,
Through Police Station Officer,
Khadan Police Station, Akola.

2) ABC – Complainant,
Police Station Khadan, Akola.

.... **RESPONDENTS**

Mr. K.H. Anandani, Advocate for petitioner.
Mr. S.M. Ghodeswar, Additional Public Prosecutor for
respondent No.1/State.
Mr. B.K. Suchak, Advocate for respondent No.2.

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

DATED : 09.10.2023

ORAL JUDGMENT : (Per Vinay Joshi, J.)

1. Heard.

2. **Rule.** By consent of the learned counsel appearing for the parties, the matter is taken up for final disposal.

3. This is an application seeking to quash First Information Report (FIR) bearing Crime No.885/2022, registered with Police Station Khadan, Akola for an offence punishable under Sections

354-D and 506 of the Indian Penal Code (IPC) and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), with related charge-sheet in Special Child Case No.31/2023, on account of mutual consent.

4. The informant is father of victim girl. The accused is maternal uncle of the victim. It is informant's case that the accused used to continuously follow the victim. He has expressed his love towards her and asked to remain in his contact. He also threatened her and insisted her to listen the things. On 26.12.2022, the applicant forced the victim to sit on his bike and took her for a ride. The victim disclosed the things to her parents, therefore the report.

5. Principally, the offence of stocking has been allegedly committed by the accused. The police have completed the investigation and filed charge-sheet. It is informed that though the charges are framed, yet the evidence has not commenced. The parties are closely related to each other. With the intervention of relatives for keeping cordial relation amongs the family, they decided to settle the dispute. The informant has filed an affidavit stating that out of anger, he has lodged the report and he do not wish to proceed further. The informant is present before the Court with his daughter, they are identified by the learned Counsel

appearing in their behalf. The informant stated that he do not wish to continue the prosecution as it will affect their family relationship.

6. The principal allegation is of continuously following a minor girl which amounts to stocking, punishable with imprisonment which may extend to five years. The offence punishable under Section 12 of the POCSO Act may attract punishment which may extend to five years of imprisonment. It reveals that the applicant is closely related with a minor. He has given threats and continuously followed the victim. The said act of applicant cannot be termed as heinous one. The applicant is cousin brother of the mother of victim, meaning thereby he is a close relative.

7. The informant desire to maintain the cordial relation in between the family, for which he do not wish to continue the prosecution. The applicant undertook that he will not repeat the things nor try to contact with the victim in any manner. The applicant is aged about 23 years and taking education in ITI Electrical Course.

8. We have brought to the notice that because of allegations, the police required to investigate the matter, file charge-sheet, as well as the Special Court has spent time in dealing with the matter. At this juncture, applicant's learned Counsel

expressed that the applicant would deposit sum of Rs.10,000/- towards costs.

9. Having regard to the accusation, close family relationship and informant's non inclination to proceed against the applicant, we deem it fit to exercise the power under Section 482 of the Code of Criminal Procedure.

10. In view of that the application is allowed. FIR bearing Crime No.885/2022, registered with Police Station Khadan, Akola for an offence punishable under Sections 354-D and 506 of the IPC and Sections 11 and 12 of the POCSO Act and related charge-sheet bearing Special Case No.31/2023, pending on the file of Adhoc District and Sessions Judge, Akola are hereby quashed and set aside, on condition that the applicant to deposit cost of Rs.10,000/- (Rs. Ten thousand only) with the High Court Legal Services Sub-Committee, Nagpur within a period of two weeks from today.

11. Matter be placed on 26.10.2023 for reporting compliance.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)