



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CRIMINAL APPLICATION NO. 2907 OF 2024

ADITYA SHIVAJI CHOUDHARY

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Vishal Shamrao Nikalje
APP for Respondent no.1-State : Mr. S. V. Hange

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 13 AUGUST 2024

PER COURT :-

1. Present application has been filed for quashing the FIR and the proceedings in Special Case No. 9 of 2024 against the present applicant. The FIR vice CR No. 1367 of 2023 dated 20.12.2023 came to be registered with Shrirampur City Police Station, District Ahmednagar for offences punishable under Sections 376(2)(n), 366-A of the Indian Penal Code, Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(w) (i) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes

(Prevention of Atrocities) Act, 1989, at the behest of present respondent no.2.

2. Heard learned Advocate for the applicant as well as learned APP for respondent no.1-State. It is not even necessary to issue notice to respondent no.2.

3. Learned Advocate for the applicant has taken us through the contents of the FIR and the chargesheet and submits that the DNA report states that the samples do not match in respect of the applicant and respondent no.2. He submits that, that is the only reason on which the present application has been filed.

4. The first and the foremost point to be observed is that there are direct allegations against the applicant in the FIR. The girl was studying in 9th standard at the time when she lodged the FIR and was aged 13 years 7 months and 24 days. Another fact to be noted is that the evidentiary value of DNA report would depend upon whether it is proved as required under law, which cannot be considered at this stage, and such tests are conducted for corroboration. The prosecution may not solely rely upon such documents or tests, but then, would certainly rely on the direct evidence. Under this

circumstance, we do not find this to be a fit case where we can exercise our inherent powers under Section 482 of Cr.P.C. The application stands rejected at the threshold.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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