



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

CRIMINAL APPLICATION (APL) NO. 196 OF 2024

(Mr.Sameer s/o Vilas Bramhankar vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.A.M.Jaltare, Advocate with Mr.N.D.Dawda, Advocate for applicant.

Mr.U.R.Phasate, APP for respondent No.1.

Mr.S.S.Chopde, Advocate for respondent No.3.

CORAM : VINAY JOSHI AND ABHAY J. MANTRI, JJ.

DATE : OCTOBER 22, 2024

1) Heard.

2) This is an application seeking to quash charge-sheet (Special Case No.159/2020) arising out of First Information Report vide Crime No.143/2020 registered with Police Station Ramnagar, District Wardha for the offence punishable under Sections 363 and 376(2)(n) of the Indian Penal Code and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 on account of merits but majorly on settlement.

3) It is the applicant's case that though during minority of the informant, she has been kidnapped. However, they got married and now they are having a baby boy born from their wedlock on 11/12/2021. The quashing is sought by stating that already they have married, having a child and thus, continuation of the prosecution amounts to abuse.

4) On last date i.e. 06/05/2024, the informant victim remained present before us with her minor child and mother,

both are stated that victim got married with the applicant on 26/02/2019 at temple, but they do not have proof of marriage. Both have informed that marriage is not registered, but the informant is staying with applicant as husband and wife since last four to five years and now with a minor child.

5) The victim has filed reply stating said facts and her no objection to quash the proceeding. Today, also the victim is present with her mother, they reiterated that from the date of marriage i.e. 26/02/2019, both are living together as husband and wife. During the course of time, they have got registered their marriage on 23/06/2024 for which certificate of registration of marriage issued by the Competent Authority has been produced.

6) While the informant was 17 years of age, she eloped with applicant and thereafter they clandestinely married. The couple is living happily and having a son from marriage, who is three years of age. Today also the couple is present with the minor child. The informant is accompanied by her mother and both of them re-iterated that quashing of FIR is in the interest of victim as applicant and victim are living as husband and wife. The informant's mother equally stated accordingly. It reveals that the informant's brother Milind has initiated the process of law, he served through process of Court, but he is absent. The victim and her mother stated that they are not in talking terms with her brother and therefore, he is not available to give the consent. Anyhow, it reveals from the record that the victim is the aggrieved party of the prosecution, likewise her mother would be the aggrieved party, but she is also present and given her consent for quashing of FIR.

7) It emerges that while the victim girl was at the verge of majority, both of them flee away and got married. Since the marriage they are living together peacefully. The couple has a child, who has three years of age. Birth certificate is produced on record, which discloses the names of the parties as parents of minor.

8) We are aware that the provisions of Special Act have been invoked, however, the case in hand has no peculiarity, as it is not the case that either force or compulsion was used for committing the alleged act. Rather out of love affair a young girl ran with the applicant and had solemnized marriage. Now marriage is registered having seal and recognition. It reveals that from last four to five years they are staying together. In the circumstances, if the prosecution is continued, it would be certainly against the interest of the victim. We are more concerned about the future of minor, which would be in dark, if the prosecution is continued. Now neither the victim nor her mother is aggrieved by the prosecution, but their future is in dark due to continuation of the prosecution.

9) The inherent powers of this Court are not limited, which are to be exercised for the purpose of securing the ends of justice. The peculiarity of facts are evident that the justice can be secured by quashing of the prosecution, as it would be in the interest of victim minor girl.

10) In view of peculiar facts, we are inclined to exercise our inherent powers. As such, the application is allowed. We hereby quashed and set aside the criminal prosecution, namely, charge-sheet (Special Case No.159/2020) arising out of First Information Report vide Crime No.143/2020

registered with Police Station Ramnagar, District Wardha for the offence punishable under Sections 363, 376(2)(n) of the Indian Penal Code and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)

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