



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

**CRIMINAL APPLICATION (APL) NO. 1591 OF 2024**

( Mohd. Ayan Mohd. Matin Sheikh vs. The State of Maharashtra and another )

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

*Court's or Judge's order*

Mr. M.N.Ali, Advocate for applicant.  
Mr. U.R.Phasate, APP for respondent No.1.

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

**DATE : OCTOBER 22, 2024**

- 1) Heard.
- 2) This is an application seeking to quash criminal prosecution, namely, Special Case No.127/2021, arising out of Crime No.0645/2021 dated 08/10/2021 registered with Police Station Ramnagar, District Wardha for the offence punishable under Sections 376 and 376(2)(n) of the Indian Penal Code, 1860 and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 on account of merit as well as settlement.
- 3) The applicant's learned Counsel has fairly submitted that the trial is complete and now the case is postponed for submission of citation. Precisely the evidence is collected, the statements of accused were recorded, arguments have been advanced and now the stage is for passing judgment. It is informed that the matter is posted by trial Court on 05/11/2024 on which probably the trial Court may deliver a judgment.
- 4) Mr.Ali, learned Counsel for the applicant would submit that in the meantime, the matter has been amicably settled. Particularly, it is canvassed that no force or compulsion

was used, but it is the case of love affair in between two youths. The informant girl was just short to attaining the majority, when she was fell into love affair and out of physical relations she remained pregnant.

5) Learned Counsel Mr.Ali has not pressed on merits, but would submit that though this is a consensual act, but technically if proved on facts, it would be an offence under law as she was minor. Considering the peculiarity of facts, it is submitted that out of settlement, the proceeding needs to be quashed. It is argued that quashing of proceeding would further develop cordial relations between them, as both the families were having acquaintance since long.

6) Learned Counsel Mr.Ali has relied upon the decision of the Hon'ble Supreme Court in the case of

reported in

wherein the Hon'ble Supreme Court has permitted, of course on facts to quash the prosecution even after conviction. Lastly, he would submit that the proceeding of the trial Court be stayed, it would be in the interest of both the parties, as if the judgment is delivered, the matter would become more verst.

7) In peculiarity of facts, issue notice to the respondents returnable on **12/11/2024**. Learned APP waives service of notice on behalf of respondent No.1 State.

8) The proceeding before the trial Court is stayed till further orders.

**( ABHAY J. MANTRI, J. )**

**( VINAY JOSHI, J. )**

KOLHE