



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.10 OF 2025

Sunita Sanjay Brahmane

.. Petitioner

Versus

1. The Child Marriage Prohibition Officer,
Panchayat Samiti Rahta,
Tq. Rahta, Dist. Ahmednagar.
2. The Additional Superintendent of Police
Shrirampur, Ahmednagar, 414001.

.. Respondents

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Mr. V. B. Giri, Advocate for the petitioner.
Mr. A. M. Phule, APP for the respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 14 JANUARY 2025

ORDER :

. Present petition has been filed invoking the constitutional powers of this Court under Article 226 of the Constitution of India to direct respondent Nos.1 and 2 to register the FIR under Section 9, 10 and 11 of the Child Marriage Prohibition Act, 2006.

2. Heard learned Advocate for the petitioner. Learned Advocate for the petitioner submits that on 11.11.2024 the petitioner has made complaint to respondent No.1 and prayed that necessary

action be taken against her father, mother and parents, as before the said child marriage, on 17.03.2023 they had solemnized child marriage of their another daughter. It is further stated that on 02.12.2024 the petitioner has given representation to respondent No.2 and requested for investigation in respect of incident of child marriage which has occurred at Loni. It is further stated that on 03.12.2023, petitioner had made complaint with Loni Police Station, Tq. Rahata, District Ahmednagar and on 26.12.2023, complaint/ representation was made to the the Project Manager, Udaan Project, but the respondents had not taken any action; hence the second child marriage has happened in same house. Being aggrieved by the inaction on the part of respondents, the petitioner has filed present writ petition.

3. Here, when the petitioner seeks registration of the FIR and the investigation thereof, then we are guided by the decisions in ***Sakiri Vasu Vs. State of U.P. and Ors.*, [(2008) 2 SCC 409]**, ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Ors.*, [(2016) 6 SCC 277]** and ***T.C. Thangaraj Vs. V. Engammal and Ors.*, [(2011) 12 SCC 328]**, which have been then referred in ***M. Subramaniam and Ors. Vs. S. Janaki and Ors.*, [(2020) 16 SCC 728]**, wherein the Hon'ble Supreme Court has held that the petitioner/complainant will

have to approach Magistrate under Section 156(3) of the Code of Criminal Procedure and the High Courts should not entertain such petitions under Section 482 of the Code of Criminal Procedure or under Article 226 of the Constitution of India.

4. In view of the said legal position, the writ petition stands disposed of with liberty to the petitioner to approach the Magistrate as provided under the law.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm