



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 CRIMINAL APPLICATION NO.1074 OF 2025

AKASH JANARDHAN AUSARMAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. R.N. Dhakane, Advocate for applicant

Mrs. Priya R. Bharaswadkar, APP for respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 01st APRIL, 2025

ORDER :

1 Present application has been filed for quashing First Information Report vide Crime No.4/2021 dated 07.01.2021 registered with Police Station, Shirur (Kasar), Dist. Beed, for the offence punishable under Section 363 of the Indian Penal Code, 1860.

2 Learned APP waives notice for respondent No.1. No necessity to issue notice to respondent No.2.

3 After taking us through First Information Report learned

Advocate for applicant submits that there was love affair between applicant and girl stated to have been kidnapped and on 07.08.2024 the girl as well as present applicant have performed marriage. Certificate of registration of marriage is issued on 13.11.2024. The girl has given affidavit on 09.08.2024 stating that she has performed marriage with applicant and, therefore, it would be unjust to ask the applicant to face the trial.

4 The first and the foremost question that arose in the matter is, when the offence was registered on 07.01.2021, then why the applicant has come before this Court after such a long time ? We had asked the learned APP to get instructions from the Police Station as to whether charge sheet has been filed or not. She informs that initially Police Station, Shirur (Kasar) was investigating the matter, however, later on it has been transferred to Anti Human Trafficking Cell, Beed. The present applicant has not obtained any bail nor appeared before any Police Station. The documents those have been collected in respect of date of birth of girl would certainly show that she was minor, aged around 15 years 11 months, on 06.01.2021, when she was kidnapped.

5 The documents which have been collected by Investigating Officer in respect of date of birth of girl show that her birth date is 19.01.2005 and this has been stated by the girl in her affidavit which the

applicant intends to rely. So, on the day of incident she was definitely a minor. Subsequent marriage after she became major will not curtail the responsibility and liability of the applicant. The application is totally silent on the point where the applicant and girl were residing since 06.01.2021 till 07.08.2024 i.e. date of marriage. If they were together, we predict addition of the offences under POCSO Act. Further, when the applicant is successfully avoiding the police, may be from arrest or even may be from serving a notice under Section 41 of the Code of Criminal procedure and keeping the girl away from the police, then, certainly, this is not a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Application stands dismissed at the threshold.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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