



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1151 CRIMINAL APPLICATION NO.4252 OF 2025

- 1 Shivaji Gangadhar Ingale,
Age 31 yrs., Occ. Service,
- 2 Gangadhar Nilkanthrao Ingale,
Age 56 yrs., Occ. Service,
- 3 Usha w/o Gangadhar Ingale,
Age 53 yrs., Occ. Household,

All are r/o Subhash Nagar, Degloor,
Tq. Degloor, Dist. Nanded.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Police Inspector,
Police Station, Shivaji Nagar,
Latur, Tq. & Dist. Latur.
- 2 XYZ

... Respondents

...

Mr. S.S. Gangakhedkar, Advocate for applicants

Mr. S.B. Pulkundwar, APP for respondent No.1

Mr. V.B. Jagtap, Advocate for respondent No.2

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 21th NOVEMBER, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

. Present application has been filed for quashment of the proceedings in Special (POCSO) Case No.9/2021 (New Sessions Case No.148/2025) pending before learned Additional Sessions Judge Latur, arising out of First Information Report vide Crime No.171/2017 dated 16.05.2017 registered with Police Station, Shivaji Nagar, Latur, for the offence punishable under Sections 376, 377, 420, 384, 204, 504, 506 read with Section 34 of the Indian Penal Code, 1860, under Section 66(e) of the Information Technology Act, 2000 and under Section 4 of the Protection of Child from Sexual Offence Act, 2012.

2 Heard learned Advocate Mr. S.S. Gangakhedkar for applicants, learned APP Mr. S.B. Pulkundwar for respondent No.1 and learned Advocate Mr. V.B. Jagtap for respondent No.2.

3 Perusal of First Information Report would show that First Information Report has been lodged by respondent No.2 i.e. informant with

Shivaji Nagar Police Station, Latur on 16.05.2017 alleging that she is resident Shivaji Nagar, Latur. She resides with her parents. In the year 2007-08, she was in 9th Class, at that time one Shivaji Gangadhar Ingale was frequently trying to meet her. On 09.09.2009, when the informant was alone at her home at about 2.00 to 2.30 p.m., Shivaji came to her house pretending to make a STD call. At that time, by seeing that she was alone at home, applicant No.1 entered in the house, locked the door from inside and raped the informant. The informant due to said incident was under mental trauma and was scared and therefore, did not tell the incident to the member of the family. The informant further alleged that after the said incident, accused used to frequently threaten and follow her. When the informant was in 10th Class, applicant No.1 came to the house of informant, and asked her parents, to solemnize his marriage with informant. But the parents of informant told him that the informant is minor and she wants to complete her education. In the year 2010, under threat to the informant applicant No.1 took her to one Sai Temple and tried to solemnize the marriage against her wish. At the relevant time, the informant refused to marry with applicant No.1, but he threatened her with dire consequences. It is further alleged that on 04.06.2012, applicant No.1 came with friends viz. Jeevan Bidgar, Vishnu Shinde, Vyankatesh Fartade, Satish Paule, Prashant Ingle and with some other friends, and all of them told her that after she gets married with

Shivaji, parents of informant will accept both of them. It is alleged that, all of them misguided her and persuaded her to come to the temple of Vitthal Rukhmini at Pati No.12, Latur. At that place, with the help of one bogus Pandit, the marriage of informant and applicant No.1 was solemnized. After that, applicant No.1 intimated about the solemnization of said marriage to the parents of informant. The parents of informant were left with no other option but to accept the marriage. It is further alleged that applicant No.1 Shivaji told her that he will take her to his house when his education would get completed and till that time she should live with her parents house. It is further alleged that due to said promise she consented to live with her parents till then. When her parents accepted the marriage of informant with applicant No.1 and they were about to arrange the reception, at Latur, applicant No.1 and his relatives demanded an amount of Rs.3,51,000/- to the parents of informant. On the same day parents of informant in presence of all gave Rs.3,51,000/- to applicant Nos.2 and 3. Thereafter, the informant with the help of one social worker Sujata Mane went to the house of applicant No.1, however, parents of applicant No.1 did not accept her as a daughter-in-law.

4 The quashment of First Information Report has been prayed on the basis of compromise. Here, it is to be noted that the charge sheet is filed

and cognizance has been taken. It appears that apart from the offences under the Indian Penal Code, Section 4 of the POCSO Act and Information Technology Act were invoked. The applicants had filed application Exh.17 for discharge from the offence punishable under Section 4 of the POCSO Act, however, learned Additional Sessions Judge, Latur rejected the said application by order dated 10.02.2022. Thereafter the present applicants approached this Court by filing Criminal Writ Petition No.358 of 2022 challenging the said order. After hearing the parties, this Court has discharged the applicants from the offence punishable under Section 4 of the POCSO Act. Respondent No.2, who had filed the affidavit, says that the prosecution was launched under sheer misconception and due to the strained relationship between herself and applicant No.1 she now states that there was love affair between them. The relationship could not be culminated into marital tie due to difference of opinion between the family members of applicant No.1 and respondent No.2. With the changed scenario her anger has been subsided. She states that she was also tutored and under the pressure of her father she has lodged First Information Report. Now, she has desire to put an end to the dispute.

5 If we consider the contents of First Information Report, it can be seen that she is making allegation that since 2007-08 applicant No.1 was

allegedly misbehaving with her. The first incident of sexual offence is stated to be on 09.09.2009. Now, it appears that this Court has come to a conclusion in the said writ petition that matter need not proceed under Section 4 of the POCSO Act. However, the further acts alleged also make a statement that there was forcible marriage and now in the affidavit she says that the alleged love relationship has not culminated into marriage. That means, her affidavit is now rather in the form of somersault. She is now taking help of tutoring by the father and pressure from him prompted her to lodge First Information Report. In fact, she was major when she lodged the First Information Report. She should have understood that she is not supposed to lodge a false complaint. Now, we do not find *bona fides* in the compromise that has alleged to have arrived.

6 The learned Advocate for the applicants relies on the decision in **Madhukar and others vs. The State of Maharashtra and another** with companion matter [2025 SCC OnLine SC 1415], wherein the order passed by this Court was set aside by Hon'ble Supreme Court and the compromise that was arrived at was allowed to proceed and First Information Report and the proceedings was quashed and set aside. Here, it is to be noted that in paragraph No.8 of this decision, it was made clear that taking into consideration the peculiar facts and circumstances of that case and taking

into account the categorical stand taken by the complainant and the nature of settlement under the powers of the Hon'ble Supreme Court the said compromise was allowed. Similarly, he relies on **Nitin B. Nikhare vs. The State of Maharashtra and another** in Criminal Appeal No(s). of 2025 (Arising out of SLP (Crl.) No.1889/2024) decided on 21.01.2025. After going through the same, it can be seen that the Hon'ble Supreme Court has then arrived at the conclusion that it was a case of consensual relationship from beginning. Here, it is not the case that there was consensual relationship. There is difference between love affair and the consensual physical relationship and, therefore, both the decisions are not applicable. Quashment of the proceedings cannot be on the ground of compromise in the present matter. Application, therefore, stands rejected.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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