



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

938 CRIMINAL WRIT PETITION NO. 1914 OF 2024

RAHUL SHANKARRAO WADHAVE

VERSUS

THE STATE OF MAHARASHTRA

....

Mr. Rahul Shankarrao Wadhave – Petitioner-in-person through
Video Conferencing from Jail.

Mr. S. M. Ganachari, APP for the Respondent – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 12.02.2025

PER COURT :-

1. Heard the Petitioner in person by virtual mode
through Video Conferencing from Jail and Mr. S. M. Ganachari,
the learned APP for the Respondent State.

2. By the present Petition, the Petitioner prayed for
quash and set aside the order dated 26.07.2024 passed by the
learned Special Judge (POCSO Act), Aurangabad, below Exh.1 in
Criminal Misc. Application No.298 of 2023.

3. Having regard to the submissions canvassed on behalf
of both the sides, I have gone through the Petition paper-book.

The present Petitioner is remanded in Magisterial Custody in connection with Crime No.461 of 2021 registered with Chhawani Police Station, Aurangabad, for the offences under Sections 354, 323, 506 of the Indian Penal Code and Section 3(m)(n)10, 12 of the Protection of Children from Sexual Offences (POCSO) Act. The Petitioner came to be arrested on 03.08.2021 and he remanded to MCR.

4. The Petitioner/accused filed Criminal M.A. No.298 of 2023 before the Special Court under the POCSO Act, Aurangabad and prayed for issuance of direction against the Chhawani Police Station, Aurangabad to register offence against his ex-wife/non-Applicant, who legally divorced on the ground that, she induced his minor daughter-victim to lodged a false report against him for the false above offences and had disclosed identity of the minor victim on social media. Therefore, the non-applicant has contravened provisions of POCSO Act, hence, prayed for issuance of direction to register crime against the informant/non-applicant divorced wife. On 26.07.2024, the learned Special Court passed an and rejected said application.

5. The Petitioner who is an accused and facing trial for the offences under the POCSO Act alleged that, his ex-wife/non-applicant published and disclosed name of the minor victim on social media, however, nothing has been brought on record to show publishing name of the minor victim on social media. The Petitioner/accused placed on record the matter allegedly published online internet of vakilsearch.com., however, it does not appear that, the non-applicant has published said item on social media. The authenticity of the said document is in doubtful. Therefore, I do not find that, impugned order passed by the learned Special Court suffers any infirmity, illegality and no interference is called for at the hands of this Court. Hence, the Writ Petition is dismissed.

[Y. G. KHOBRAGADE, J.]

SMS