

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPLICATION NO.1811 OF 2024

Child in Conflict with Law
Through her Father

...Applicant
(Original Accused)

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Amit Vyas a/w Mr. Rajat Agrawal and Ms. Poonam Ashar i/b
Vertices Partners, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent No.1-State.

Mr. Vivek Kantawala a/w Mr. Amey Patil and Mr. Manav Kantawala
i/b Mr. Jash B. Vyas, for the Respondent No.2.

PSI – Punam Chavan from Gamdevi Police Station, Mumbai, is
present.

***CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.***

DATE : 3rd MARCH 2025

P.C. :

1. By this application, the applicant essentially seeks quashing of the impugned order dated 14th November 2024 passed by the Court of the Principal Magistrate, City Juvenile Justice Board, Dongri, Mumbai. The said order is at Exhibit – ‘A’ on page 30 of the aforesaid application.

2. Considering the age of the girl i.e. 8 years, the learned Magistrate could not have passed the impugned order directing carrying out of psychological test of the CICL.

3. Learned APP also does not dispute the same i.e. such an order could not have been passed keeping in mind the age of the girl.

4. Considering the aforesaid, the application is allowed and the impugned order dated 14th November 2024 passed by the Court of the Principal Magistrate, City Juvenile Justice Board, Dongri, Mumbai, is quashed and set aside.

5. A copy of the aforesaid order be sent to the Court of the Principal Magistrate, City Juvenile Justice Board, Dongri, Mumbai, to ensure that orders are passed keeping in mind the age of the child and not mechanically, without application of mind.

6. The applicant and the respondent No.2 both agree to unconditionally withdraw the complaint dated 3rd December 2024 made to the Gamdevi Police Station and the complaint arising in the Station Diary No.37 of 2024, pending with the Gamdevi Police Station, Mumbai. Both the parties have agreed to make an endeavour to ensure that their children do not interact with each other and that they keep distance and avoid any contact.

7. Application is allowed and disposed of on the aforesaid terms.

8. All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.