



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 48 OF 2025

Vikas Charandas Khandekar, Aged
about 25 years, Occup. Private R/o
Madana, Post Kasarkheda, Tahsil
Arvi, Dist. Wardha

Applicant

-Vs.-

1. The State of Maharashtra through
PSO Police Station, Kharangana,
Wardha.
 2. X.Y.Z (Victim) Crime No.387 of
2023 Police Station, Kasarkheda,
Tahsil Arvi, Dist.Wardha.
- Non-
applicants.

Mr. R.M.Khapekar, counsel for the applicant.
Mr. S.A.Aashirgade, A.PP for non-applicant State.
Ms.Apurva Tarwakar, counsel for non-applicant No.2.

**CORAM: NITIN B.SURYAWANHI AND
MRS.VRUSHALI V. JOSHI, JJ.**
DATE : 27th JANUARY, 2025.

O R A L J U D G M E N T (Per :Nitin B.Suryawanshi,J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard the
criminal application finally with the consent of the learned
counsel appearing for the parties.

3. By this Criminal Application filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita 2023, applicant is seeking quashing of proceedings of Special Case No.48 of 2023 pending before the learned Additional Sessions Judge, Wardha arising out of First Information Report No.387 of 2023 dated 02.05.2023 registered with Police Station Kharangana, Wardha against the applicant for the offences punishable under Section 376(2) (n) of the Indian Penal Code, r/w Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 registered at the instance of the non-applicant No.2.

4. Non-applicant No.2/victim aged 17 years was having stomach pain, hence she was taken to the hospital by her mother in the month of November 2023. On her examination she was found carrying six months pregnancy. On being asked, she disclosed that she had love affair with the applicant, since last three years and he used to meet her in the field. They had physical relations firstly, in the month of November-2022. He told her that they will perform

marriage after she becomes major. They had physical relations from time to time. When her mother realised that she did not have menses, she told the applicant that she is pregnant. Applicant assured her that he will marry her. Since, her stomach was showing, she went to the hospital along with her mother. Doctor examined her and admitted her. This statement of non-applicant No.2 was recorded as dying declaration and on that basis First Information Report in question is registered. After completion of investigation, charge-sheet is filed and the case is numbered as above.

5. Non-applicant No.2 has filed an affidavit stating that, she had love affair with applicant and therefore there were physical relations between them. After attaining majority on 31.07.2023, she has married with applicant at Wardha and since then she is leading happy married life. The matter is amicably settled between them and she does not wish to prosecute the case any further.

6. Applicant and non-applicant No.2 are present in the Court today. They are identified by their respective

advocates. They confirmed about the amicable settlement. Non applicant No.2 has confirmed the contents of her affidavit. She states that she is leading happy married life with the applicant and she does not wish to prosecute the case any further. She has no objection to quash the prosecution against the applicant.

7. Admittedly, there was love affair between applicant and non-applicant, due to which they indulged in physical relations. Non applicant No.2 was at the age of discretion at the relevant time. As applicant and non-applicant No.2 are married and are leading happy married life, considering their future, it is necessary in the interest of justice to quash the proceedings. No useful purpose would be served by continuing the prosecution against the applicant as even if the prosecution is allowed to be continued, non-applicant No.2 is not going to support the prosecution during trial and conducting the trial would amount to waste of judicial time. In these facts of the case, continuation of the prosecution against applicant is abuse of process of law.

8. In the result, the Criminal Application is allowed. The proceedings of Special Case No.48 of 2023 pending before the learned Additional Sessions Judge, Wardha arising out of First Information Report No.387 of 2023 dated 02.05.2023 registered with Police Station Kharangana, Wardha against the applicant for the offences punishable under Section 376(2) (n) of the Indian Penal Code, r/w Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 are hereby quashed and set aside.

9. Pending Criminal Application/s if any, is/are stand/s disposed of.

10. Rule is made absolute in the above terms with no order as to costs.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN B.SURYAWANHI, J.)