



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

CRIMINAL APPLICATION [APL] NO.59 OF 2025

Applicant : Khushal s/o Prabhakar Thakare,
 Aged about 23 Years, Occu. Labour,
 R/o Ward No.1, Kalamna (Bela),
 Tah. Umred, Distt. Nagpur.
 – Versus –

Non-Applicants : 1) The State of Maharashtra,
 Through its Police Station Officer,
 Police Station Bela, Distt. Nagpur.

2) XYZ (Victim/Informant of Crime bearing First
 Information Report No.15 of 2023 registered at
 Respondent No.1 Police Station).

 Mr. Tejas Deshpande, Advocate for the Applicant.
 Mrs. Nandita Tripathi, A.P.P. for Non-Applicant No.1/State.
 Mrs. Shashikant Nagrare, Advocate for Non-Applicant No.2

CORAM : **NITIN B. SURYAWANSHI AND M.W. CHANDWANI, JJ.**
DATE : **22nd JANUARY, 2025.**

ORAL JUDGMENT : (Per N.B. Suryawanshi, J.)

Rule. Rule made returnable forthwith. Heard by consent of the parties.

02. Leave to amend the prayer clause is granted. The applicant to carry out the amendment forthwith.

03. The applicant has filed this application under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for quashing of First Information Report lodged by non-applicant No.2 in Crime No.15/2023, dated 18/01/2023 registered with Bela Police Station, District Nagpur under Sections 354-D, 500 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012; charge-sheet dated 13/03/2023 and the Special Case No.125/2023 pending before the Court of Additional Sessions Judge, Nagpur.

04. Non-applicant No.2 lodged the F.I.R., in question, alleging that while she was going to college, applicant used to follow her and try to talk with her. The applicant has made their photos viral on social media and thereby caused embarrassment to her. At the time of lodging of F.I.R., non-applicant No.2 was minor. After completion of investigation, charge-sheet came to be filed for the offence punishable under Sections 354-D, 500 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act on 09/03/2023 and the case is numbered as Special Case No.125/2023, which is pending before the Additional Sessions Judge, Nagpur.

05. Non-applicant No.2 is present in the Court today and she is identified by her Advocate. She states that there was a love affair between the applicant and her and due to pressure of the parents, she had lodged the

F.I.R. On attaining majority, she has married with the applicant on 09/06/2024. She submits that since the date of marriage, she is leading happy married life with the applicant and she has no objection, if the F.I.R. and the proceedings pursuant thereto are quashed. She has filed affidavit stating these facts and giving no objection to quash the proceedings.

06. In view of the marriage solemnized between the applicant and non-applicant No.2 and as they are leading happy married life, no useful purpose would be served by continuing the proceedings of Special Case No.125/2023. Even if, we refuse the prayer of the applicant and permit the prosecution to continue, the trial will be resulting into acquittal as non-applicant No.2 is not likely to support the prosecution case and, therefore, conducting of trial would be a waste of judicial time and energy. In this view of the matter, continuation of the proceedings against the applicant would be an abuse of process of law. We are, therefore, inclined to allow the application.

07. Resultantly, the application is allowed in terms of its prayer clause (a).

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

(M.W. Chandwani, J.)

(Nitin B. Suryawanshi, J.)