



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

CRIMINAL APPLICATION [APL] NO.680 OF 2025

1. Rani d/o Sheshrao Sawarkar,
Aged about 19 years,
Occupation-Housewife.
2. Shubham s/o Ratan Dhanjode,
Aged about 25 years,
Occupation-Labour,
Both R/o. At Kesori, Tah. Kamptee,
District-Nagpur. .. Applicants

..Versus ..

State of Maharashtra
Through Police Station Officer,
Police Station, Mauda,
District-Nagpur. .. Non-Applicant

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Shri K.S. Motwani, Advocate for Applicants.
Shri N.H. Joshi, A.P.P. for Non-Applicant-State.

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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.
DATED : 09th MAY, 2025.

JUDGMENT [Per : Pravin S. Patil, J.]

1. **Rule.** Rule made returnable forthwith. By consent of
the learned Counsel for parties, the matter is taken up for final
disposal.

2. By this application, the applicants jointly made submission that offence registered under Section 376 (2)(j), 376 (2)(n) of the Indian Penal Code read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act (POCSO), be quashed and set aside.

3. In the present case, on the complaint of applicant no.1 on 26.12.2023 the offence was registered vide Crime No.1240/2023 with Police Station Mouda, Nagpur Gramin and after conducting investigation, chargesheet came to be filed and at present Criminal Case bearing Special POCSO Case No.116/2024 is pending before learned District Judge and Additional Sessions Judge, Nagpur.

4. During the pendency of investigation, there was an amicable settlement between the applicants. Accordingly, on 11.01.2025 they both got married at a Temple at Bhandara and, thereafter, residing jointly and leading a happy married life. In view of marriage, applicant no.1 is not interested to prosecute the applicant no.2 as the same may ruin her future

prospects and happy married life with applicant no.1.

5. Today, when the matter is called out, applicant no.1 is present in the court. She has identified by her counsel. On a query put to her, as to whether, marriage was performed or not, she stated that the application is jointly filed and in addition to this, she has also filed affidavit dated 09.05.2025 to confirm the said factual position. She stated that after her marriage on 11.01.2025 she is leading happy married life with applicant no.2.

6. In the facts and circumstances of the case, considering the law laid down by the Hon'ble Supreme Court of India in the case of *Narinder Singh and others .vs. State of Punjab*, reported in *2014 (6) SCC 466*, it is held that in the cases where the offence is a heinous of serious nature and treated as crime against the society, the High Court should examine whether it would be permissible to accept the proposal of compounding the offence based on complete settlement between the parties. If the settlement is found to be for the welfare of the victim, then in that case this court can exercise

the jurisdiction available under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

7. In the present case, the present applicant no.2 has performed the marriage with the victim i.e. applicant no.1 and in support of their submissions placed on record the marriage certificate dated 11.01.2025. Furthermore, applicant no.2 filed joint application for quashing of criminal proceeding and in addition to same also placed on record an affidavit dated 09.05.2025. Hence, from the record it is clear that out of love affair there were consensual physical relations between the applicants and now after attaining the age of majority they have performed the marriage on 11.01.2025. In such circumstances, keeping continue the criminal proceeding would not serve any fruitful purpose and chances of conviction are remote and bleak.

8. In view of above referred law laid down by the Hon'ble Supreme Court of India as well as by coordinate bench of this court in the case of *Nauman Suleman Khan .vs. State of Maharashtra and another*, reported in *2022 ALL MR (Cri) 4427*,

the amicable settlement arrived at between the parties and further considering the welfare of victim, we deem it fit to quash and set aside the criminal proceeding registered against applicant no.2 by passing the following order :

O R D E R

- (1) Criminal Application is allowed.
- (2) The proceeding of Special POCSO Case No.116/2024 pending before the learned District Judge and Additional Sessions Judge, Nagpur registered on the basis of FIR No.1240/2023, dated 26.12.2023 for the offence punishable under Sections 376 (2)(j), 376 (2)(n) of the Indian Penal Code read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act (POCSO), 2012 is hereby quashed and set aside.

9. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)