



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

**CRIMINAL APPLICATION [APL] NO.1538 OF 2023**

[Sandeep s/o Namdeorao Sarodiya .vs. State of Maharashtra and others]

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Shri M.V. Rai, Advocate for Applicant.  
Shri S.S. Doifode, APP for Respondent No.1/State.  
Shri A.R. Fule, Advocate for Respondent Nos.2 and 3.  
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**CORAM : ANIL S. KILOR AND**  
**PRAVIN S. PATIL, JJ.**

**DATE : APRIL 15, 2025.**

P.C.

1. In the present matter, the applicant is the father of the victim, who in her complaint to the police alleged that he molested her.

2. The applicant is the Judicial Officer. The victim is his daughter, who lodged the report on 21.01.2019, vide FIR No.55/2019, registered with Police Station, Bhandara, District-Bhandara for the offence punishable under Section 354 of the Indian Penal Code and Sections 7, 8, 9 (n), 9 (1) and 10 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").

3. It is the case of the prosecution that in the year 2014, when the victim was residing along with the applicant, her mother and sister at Bhandara in PWD quarter, in the night, when the victim went in the room of the applicant to sleep, her sister

Mallika went outside the room for some reason and at that time the victim was alone in the room with the applicant. She alleged that at that time he molested her and because she was frightened, she did not inform the said incidence to her mother immediately. She further stated that when this incidence was informed to her mother, she enquired from the applicant about the incident, thereupon, he started weeping and stated that it was mistakenly happened. In the complaint, she further stated various incidences of molestation from 2014 till 2018. A bare reading of the allegations made in the FIR and taking the same on its face value, we have no hesitation to hold that prima facie the offence attracts as alleged in the FIR.

4. However, Shri Rai, learned counsel for the applicant, submits that there is a delay of four years in lodging the FIR. He argued that the mother of the victim and the wife of the applicant is having educational qualification LL.B. and, therefore, she has knowledge about the legal provisions and also the procedure. It is submitted that in none of the proceedings filed before the Family Court or under the Protection of Women from Domestic Violence Act, 2005 by the mother of the victim or even in a complaint made by her to the Commissioner of Police in the year 2018, there is any whisper about alleged instances of molestation. He, therefore, submits that the complaint lodged by the victim is with an oblique motive. He, therefore, submits as this is a case of false implication of the applicant in the alleged offence, this court may quash and set aside the chargesheet.

5. On the other hand, learned APP Shri Doifode argued that in a domestic violence proceeding or Family Court proceeding filed by the mother of the victim, even if there is no whisper about such incidence of molestation, it cannot be said that the present complaint is false or filed with an intention of wreaking vengeance against the applicant.

6. He submits that as far as the delay is concerned, he states that on the date of first incidence, the victim was in 6<sup>th</sup> Standard and she immediately reported the said incidence to her mother, whereupon she made enquiry from the applicant and he gave explanation to it. He, therefore, submits that considering her age on the date of first incidence, it can be seen that she was not in position to go alone to the Police Station to lodge the report, whereas she informed the said incidence to her mother. He, therefore, submits that in this matter the delay in lodging the report cannot be the ground for quashing of the chargesheet, particularly when there is sufficient material available on record to prima facie show the complicity of the applicant in the alleged offence. He, therefore, prays for dismissal of the present application.

7. Learned counsel Shri Fule for the respondent nos.2 and 3-informants reiterated the submission made by the learned APP and prays for dismissal of the present application.

8. In light of rival submissions, we have perused the chargesheet. No doubt, in the proceeding filed by the mother of the victim before the Family Court or in a proceeding filed under Domestic Violence Act or in a complaint made to the

Commissioner of Police relating to harassment and ill-treatment meted out to her by the applicant, there is no whisper about the incidence of molestation as alleged in the FIR. However, the fact remains that considering the nature of proceedings and prayers made in it, even if such allegations are not mentioned, it cannot be said that the allegations made in the FIR are after thought and made to falsely implicate the applicant in the alleged offence.

9. The FIR is lodged by the victim herself and she gave account of incidences of molestation for a span of four year i.e. 2014-2018.

10. The applicant is the father of the victim and prima facie, we are of the opinion that the offence is made out from the allegations made in the FIR. The offence is heinous and furthermore, there is a presumption against the applicant being accused for the offence punishable under the provisions of POCSO Act. Therefore, the only way out is to lead the evidence in rebuttal of such presumption.

11. In the circumstances, we do not find this case as a fit case for quashing of chargesheet. Accordingly, the application is **rejected**.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)