IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4578 OF 2025

PRASHANT UTTAM THORAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Shri More P. P., advocate a/w Shri Jogdand Deepali Vaijinath, Advocate for the Applicant.
Shri C.V. Bhadane, APP for the Respondents/ State.
Advocate A.M. Reddy, Advocate for Respondent No.2.

...

WITH
CRIMINAL APPLICATION NO. 4531 OF 2025

AMOL BHALCHANDRA NAGAWADE
AND
SURYABHAN POPAT GOLANDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Shri More P. P., advocate a/w Shri Jogdand Deepali Vaijinath, Advocate for the Applicant.
Shri C.V. Bhadane, APP for the Respondents/ State.
Advocate A.M. Reddy, Advocate for Respondent No.2.

...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 03 November 2026

P. C. :-

1. Heard the learned advocates appearing for the respective parties.

2. The applicants are seeking quashment of FIR No.830/2025 dated 14.09.2025 registered with the Shrigonda Police Station, District Ahmednagar, at the behest of respondent No.2 for the offences punishable under Sections 64(2)(f), 64(2)(m), 74, 352 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 5(f), 5(l), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'The POCSO Act'). After completion of investigation, the charge-sheet is filed and the case is registered as Special Case No.161/2025 before the learned Sessions Court, Shrigonda, District Ahmednagar. The applicants also seek quashment of the further proceedings.

3. Respondent No.2/ informant lodged the FIR on 14.09.2025 alleging therein that she was taking education in diploma course at Sonia Gandhi Polytechnic College, Shrigonda and was studying in third year and was staying at hostel in college campus. In January, 2025, she got acquainted with the lecturer of the said college, namely, Shivaji Nawale. The said accused Shivaji Nawale alleged to have committed sexual intercourse with her knowing the fact that she was minor. Accordingly, the FIR was registered against the said Nawale.

Later on, respondent No.2 gave supplementary statement on 16.09.2025 wherein, she stated that despite her complaints of harassment at the hands of accused Nawale reported to other staff members including the present applicants, they have not taken any action, but on the contrary, it is alleged that she was prevented from reporting the incident to anybody. On the basis of the said supplementary statement, the present applicants came to be added as co-accused.

4. The learned advocate for the applicants submits the offences under the POCSO Act, which are registered against the main accused Nawale, are not attracted against the present applicants except Section 21 of the POCSO Act. Moreover, it is the applicants, who have reported the incident to her parents and, therefore, respondent No.2 is possessing personal grudge against the applicants. She has falsely implicated the applicants.

5. The learned advocate has invited attention of this Court to the statement recorded under Section 183 of the BNSS on 17.09.2025 before the learned Additional Chief Judicial Magistrate, Shrigonda. In the said statement, nothing pertaining to sexual harassment has been stated against the applicants. In the

last line of the said statement, she had only stated that she had informed the applicants about ill treatment to her at the hands of the main accused, however, the applicants, being staff members of the college, have not taken any action against the main accused Nawale. Apart from the above material, there is no material to suggest that the applicants are involved in the instant crime.

6. The learned advocate further pointed out that the applicant (Amol Nagawade) is the Principal of the Polytechnic College, the applicant (Suryabhan Golande) is the Inspection Officer and the applicant (Prashant Thorat) is also the employee the college. All the applicants are staff members of the college and they have nothing to do with the crime which is mainly committed by the main accused Shivaji Nawale. On coming to know that the said Shivaji Nawale was also issuing the question papers to students, he was terminated from college on 10.08.2025.

7. The learned advocate for the applicants also submitted that initially on 12.09.2025, respondent No.2 went on missing, therefore, the said incident was reported to her parents

and accordingly, her father had come to the college and went to police station and lodged the missing report on 12.09.2025. The learned advocate for the applicants specifically points out to this Court that had the applicants been knowing that respondent No.2 is having any affair or relationship with the main accused Shivaji Nawale, the said fact could have been reported to the police at the time of lodging of the missing report. When the said relationship is brought to the notice of her parents, respondent No.2 got annoyed and therefore, she has falsely implicated the staff members of the college. The learned advocate, therefore, submitted that the applicants are not at all connected with the crime and the continuation of further proceedings against the applicants on the basis of such FIR would be an abuse of process of law. The learned advocate, therefore, prayed for allowing the applications.

8. *Per contra*, the learned APP vehemently opposed the instant applications. He submitted that there is incriminating material against the applicants. Respondent No.2 was residing in the premises of the college and the applicants are staff members the college and therefore, they are responsible. Any incident as

regards sexual harassment of minor child is reported to the head of the institution, it is his prime duty as per Section 21 to report the said incident to the Police without wasting time. When the applicants were very much aware about relationship of respondent No.2 with the main accused Shivaji Nawale, the applicants kept mum and did not report the incident to the police. The learned APP, therefore, submits that the offence being serious in nature, the instant applications are liable to be rejected.

9. The learned advocate appearing for respondent No.2/ informant reiterated the submissions of the learned APP and prayed for rejection of the applications.

10. After going through the FIR in question as well as the material placed before this Court, it is seen that when initially missing report was lodged on 12.09.2025 by the father of respondent No.2, respondent No.2 herself approached to the Police Station and gave the statement stating therein that she on her own accord had gone to Shevgaon and since her mobile was not working, she could not establish contact with anybody. The said statement was very much recorded on next day i.e. 13.09.2025 wherein, on her own accord she had disclosed that

she had gone to Shevgaon without informing anybody. Had it been the case of sexual harassment at the behest of the applicants or any grievance against the applicants, she could have very much reported the said incident to the police on 13.09.2025 itself. However, on 14.09.2025, on the basis of her statement, crime No.830/2025 came to be registered and in the said report, she has stated her age to be 18 years and one month and she has lodged the report mainly against the main accused Shivaji Nawale, who alleged to have exploited her sexually on various occasions despite knowing the fact that she was below the age of 18 years. Even in the said FIR, there is no allegation against the present applicants.

11. Thereafter, on 16.09.2025, she again gave another statement which is recorded as supplementary statement wherein, she has implicated all the applicants who are staff members of the college and she alleged that all the applicants were aware about her sexual harassment, however, despite knowing the said fact, they have not taken any action against the main accused Shivaji Nawale. On the basis of this supplementary statement, the police have implicated the present applicants in the instant crime

in view of provisions of Section 21 of the POCSO Act.

12. It would be pertinent to mention here that respondent No.2 was having an opportunity to record her statement on 13.09.2025, however, despite appearing before the Police on two occasions, she had not recorded anything against the applicants. It is not the case that the allegations against the applicants were introduced in the supplementary statement on the basis of discovery of new facts. Those allegations could have been levelled against the applicants in her initial statement itself. In that view of the matter, the submissions of the learned advocate for the applicants that the applicants have been falsely implicated in the instant crime, assume significance. Therefore, in order to prevent an abuse of process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against the applicants deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Application is allowed.

(b) FIR No.830/2025 dated 14.09.2025 registered with the

Shrigonda Police Station, District Ahmednagar and the further consequential proceedings arising out of the said FIR, are hereby quashed and set aside to the extent of the present applicants.

(c) The learned advocate Shri A.M. Reddy is appointed to represent respondent No.2 in this matter. Therefore, his fees be quantified and paid to him as per rules, by the High Court Legal Aid Services Sub Committee, Aurangabad Bench.

kps (SUSHIL M. GHODESWAR, J.)