



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2864 OF 2025

1. Siddhanath @ Siddhant Bharat Sable,
age 24 years, Occ. Private job.
2. Bharat Banda Sable,
age 55 years, Occ. Service.
3. Sow. Vidya Bharat Sable,
age 49 years, Occ. Private Job,

All above R/o. Sanmadi, Tq. Jat,
District Sangali.

Applicants.
(orig accused.)

VERSUS

1. The State Of Maharashtra,
through Police Inspector,
Police Station, Mukhed,
Tq. Mukhed, Dist. Nanded.
2. X.Y.Z.
3. Avinash Raghunath Jadhav,
age 49 years, Occ. Private Job,
R/o. Vyankatesh Nagar, Mukhed,
Tq. Mukhed, District Nanded.

Respondents

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Advocate for Applicants : Mr. M. M. Parghane
APP for Respondent no.1 : Mr. S. A. Gaikwad
Advocate for Respondent 2 : Mr. R. G. Tupe
Advocate for Respondent 3 : Mr. S.R. Kedar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 04, 2026

FINAL ORDER :-

1. Present application is filed seeking quashment of the First Information Report in crime no.144 of 2024 registered with police station Mukhed, Tq. Mukhed, District Nanded for the offence punishable under sections 363, 366, 366-A, 354-A, 354-D, r/w 34 of the India Penal Code and Section 12 and 17 of the Protection of Children from Sexual Offences Act (for short POCSO) and consequential proceeding in Special Case No.23 of 2024 pending before Special Judge/Sessions Court, at Mukhed.

2. The investigation was set in motion on the basis of information given by respondent no.3-Avinash Jadhav alleging that daughter of his sister aged about 17 years 10 months resides with him for education purpose. On 21.4.2024 at about 4.00 a.m. he noticed that his niece is not in the room. They searched for her, but could not get her whereabouts. Eventually, crime no.144 of 2024 was registered for the offence punishable under section 363 of the IPC. Lateron, she was traced. Her statement was recorded wherein she disclosed that she had love affair with applicant no.1-Siddhanath @ Siddhant Bharat Sable and on 20.4.2024 she left home. She resided

with one Pujarani at Pandharpur, where she called the applicant and performed marriage at Alandi. Thereafter, they went to Goa, Ujjain, Mathura, Shirdi and Mangalvedha, where police traced her alongwith applicant no.1. She empathetically stated that she do not want to disclose about physical relation with the applicant no.1 during aforesaid period.

3. The investigation progressed and finally charge-sheet has been filed for the offences punishable under sections 363, 366, 366-A, 354-D r/w 34 of the India Penal Code and Section 12 and 17 of the POCSO Act. Even Special Case no.23 of 2024 is registered and pending before the Special Judge/Sessions Court, at Mukhed.

4. On 2.2.2026 learned advocates appearing for the applicants and respondent no.2 jointly submitted that there is amicable settlement and they wish to file on record terms of such settlement. Accordingly, they were relegated to the Registrar (Judicial) of this Court. The applicants and respondent no.2 presented themselves before the Registrar to verify the terms of settlement in presence of their advocates. The applicants and respondent no.2 submitted separate terms of settlement, which are duly verified by them. It states that

respondent no.2 had love affair with applicant no.1. She left home on her own accord. After attaining majority, she performed marriage with applicant no.1 at Alandi and marriage has been registered on 8.8.2024 with the Registrar of Marriages at Sangali. The certificate of marriage dated 8.8.2024 is placed on record. Respondent no.2 is personally present before this Court and she reiterated contents of terms of settlement. She states that since date of her marriage, she is residing alongwith applicant no.1. She has happy matrimonial life. She states that complaint was filed by her maternal uncle as her family members were not agreeable to the marriage. According to her, no offence is committed by applicant no.1 or his parents and consents for quashing of FIR and consequential proceeding.

5. The aforesaid sequence of events clearly depicts that while respondent no.2 was aged about 17 years and 10 months, she left the home. Respondent no.2 on her own accord, and after attaining majority, performed marriage with applicant no.1. They have registered the marriage and residing together as husband and wife for more than one and half years. Continuation of the criminal proceeding in such a case would be abuse of process of law.

6. Although, learned APP opposed for quashment of the FIR and further proceeding on the ground that offences are serious and punishable under the POCSO Act, in similar facts like present one, Hon'ble Supreme Court of India in case of **Mahesh Mukund Patel Vs. State of U.P and others reported in 2025 SCC Online SC 614** quashed the FIR and consequential proceeding observing that when accused and victim are living happily married life, no purpose will be served by continuing the prosecution as it will cause undue harassment to them. Similar view is taken by another Division Bench of this Court in case of **Shiva Chanappa Odala Vs. State of Maharashtra and another reported in 2023 DGLS (Bom) 682** and proceeding has been quashed observing that it will be contrary to interest of justice to continue with the criminal proceeding against the petitioner, a student as both the parties equally will be put to hardship, particularly, when both of them decided for quashing by consent on the ground of the reasons cited in the consent extended in support of the quashing. It is further observed that, there is no reason to continue the prosecution in view of consent extended by the victim.

7. In light of the aforesaid settled principles, this Court finds that present one is fit case to exercise inherent jurisdiction of this Court to quash and set aside FIR and consequential proceeding thereby allowing application.

8. In the result, criminal application is allowed in terms of prayer clause “A” and “B-1” and disposed of.

(S. G. CHAPALGAONKAR, J.)

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