



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4074 OF 2025

Satish Vithoba Shirke,
age-53 years, Occ. Service,
R/o Near Datta Nagar, Pandurang Nagar,
Pipe Line Road, Savedi, Tq. & Dist.
Ahmednagar. Applicant.

VERSUS

1. The State Of Maharashtra
through the Police Inspector,
Tophkhana Police Station,
Tq & District. Ahmednagar.
2. X.Y.Z. Respondents.

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Advocate for Applicant : Mr. R. R. Karpe
APP for Respondent no.1 : Mr. S.A. Gaikwad
Adv for Respondent no.2 : Mr. V. V. Kabra

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : 23rd February, 2026

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FINAL ORDER :-

1. The applicant seeks quashment of FIR dated 9.2.2024 in Crime No.142 of 2024 registered with Tophkhana Police Station, District Ahmednagar for the offences punishable under sections 354, 509 of the Indian Penal Code read with section 8 and 12 of the Protection of Children From Sexual Offences Act (for short POCSO Act) and consequential proceeding in Special

Case No. 86 of 2024 pending before the learned Additional Sessions Judge, Ahmednagar.

2. Investigation was set in motion on the basis of information given by respondent no.2 alleging that she is aged about 17 years and pursuing her education at Radhabai Kale Mahila Mahavidyalaya, Tarakpur in 12th standard. The applicant/accused is a teacher of Geography. While practical examination of 12th standard was going on, applicant called informant in his cabin and conveyed that if she wants full practical marks, she should give him something. It is alleged that when informant ignored his comment, she was given zero mark in practical subject.

3. On 8.7.2024, informant went in the cabin of applicant/accused to know why she is given zero mark, despite her good performance, applicant/accused rubbed his hand on front of his pant with bad intention/sexual intent and outraged her modesty.

4. Aforesaid information was culminated into registration of FIR in Crime no.142 of 2024 for the offences punishable under sections 354, 509 of the IPC and sections 8 and 12 of the

POCSO Act. Investigation progressed. Charge-sheet came to be filed. At present Special case no.86 of 2024 is pending before the Sessions Court at Ahmednagar.

5. On 30.1.2026 learned counsel appearing for the applicant and respondent no.2/informant submitted that respondent no.2 is now major and she wish to tender her own affidavit regarding amicable settlement of the dispute and consenting for quashing FIR and consequential proceeding. Eventually, parties were referred to the Registrar (Judicial) of this Court, before whom respondent no.2 tendered her affidavit stating that due to misunderstanding FIR has been lodged against applicant. She do not have any grudge/complaint against him and she is tendering affidavit on her own accord without fear or pressure. She states that her grievance qua allocation of marks was based on misconception and she has cleared/passed the examination. She has no objection to grant prayers in the present application. Terms of aforesaid affidavit are accepted to be true and correct before the learned Registrar, who has forwarded the report to this Court.

6. In wake of the aforesaid background, Mr. Karpe, learned advocate appearing for applicant submits that since there is amicable settlement of the dispute and respondent no.2 informant has admitted that complaint was based on misconception, application may be allowed. He would submit that applicant is a reputed person and teaching subject of Geography in school. Under misconception that respondent no.2 is allotted zero mark in the examination, complaint was lodged. Respondent no.2 is major. Allegations incorporated in the complaint were personal in nature, therefore, in light of affidavit tendered, further prosecution would be futile exercise so also abuse of process of law.

7. Per contra, Mr. Gaikwad, learned APP appearing for the respondent no.1-State vehemently opposed the application. He would submit that the complaint pertains to offence under POCSO Act in addition to offences under Indian Penal Code. The allegations are serious, heinous and kind of moral depravity. In such cases, quashment of FIR and further proceeding on the basis of settlement/compromise between accused and victim would not be permissible. In support of his contentions, he relies upon observations of the Hon'ble

Supreme Court of India in case of **Ramji Lal Bairwa and Another Vs. State of Rajasthan and others reported in (2025) 5 SCC 117.**

8. Having considered submissions advanced by learned advocates appearing for respective parties and after going through record tendered into service before this Court, apparently, respondent no.2 was minor, taking education in 12th standard in Junior College. Applicant was a teacher of Geography subject. Incident took place while practical examination for Geography subject was being conducted. On the day of examination, applicant alleged to have called informant in his cabin and lured demand for sexual favour to her in return for 20 out of 20 marks in examination. Later on, when the informant came to know that she was given zero mark, she went in the cabin of applicant and asked him the reason. Again applicant alleged to have made gestures asking for sexual favour or outraged modesty and repeated his demand. The nature of allegations, circumstances in which offence is committed and position that applicant was holding, prima facie depicts the offence is very serious nature. Although, applicant has not touched respondent no.2-victim,

fact remains that he being a teacher, indulged in the act of moral depravity falling under the POCSO Act. In light of aforesaid circumstances, it is relevant to refer three Judge Bench decision of the Hon'ble Supreme Court of India in case of State of **The State of Madhya Pradesh Vs. Laxmi Narayan reported in (2019) 5 SCC 688**, wherein the Hon'ble Supreme Court observed that whether a FIR is quashed or not would depend upon facts and circumstances of each case and while considering that question, the Court has to apply its mind.

- i. Whether the crime is one against society or against a individual alone, nature of the dispute.
- ii. Seriousness and how crime was committed.
- iii. Whether offence under special statute,
- iv. stage of proceeding,
- v. conduct and antecedents of accused, whether accused absconding, why absconding, and how he managed to compromise with complainant.

9. In the present case, prima facie it is discernible that respondent no.2 was undergoing a final practical examination of 12th standard. The applicant was in-charge of that examination and possessing the authority that can be used to induce the student to bow-down accepting sexual favour.

Respondent no.2 realizing bad intent and subsequent result of examination lodged report to the police. Her reply affidavit shows that her grievance regarding allocation of marks has been redressed and her complaint was based on misconception. The question whether allegations made were under misconception cannot be determined at this stage. However, merely because respondent no.2/victim, after two years of incident, is filing affidavit accepting the settlement, this Court do not find good reason to ignore serious allegations levelled against the applicant.

10. In case of **Ramji Lal Bairwa and another** (supra), when High Court in exercise of the powers under section 482 of Criminal Procedure Code quashed criminal proceeding, wherein allegations for offence of POCSO Act were made, Supreme Court disapproved exercise of inherent powers and set aside the High Court's order with following observations :-

40. A bare perusal of the impugned order and in the light of the observations and binding conclusions in Gian Singh's case (supra), bearing in mind the allegations in the subject FIR, it would reveal that the High Court has misread and misapplied the law laid down in Gian Singh's case to quash the subject FIR and all further proceedings based in pursuance thereof. We are at a loss to understand how the High Court arrived at the conclusion that in the case on hand a dispute to be resolved exists between the parties and

further that to maintain harmony the FIR and all further proceedings thereto should be quashed even without adverting to the allegations raised against the 3rd respondent in the subject FIR. It is also a fact that though in terms of the decision in Gian Singh's case an irrecusable duty of the Court to consider whether the compromise could be acted upon or not in the interest of justice, the impugned order would reveal that the High Court has failed to bestow proper consideration in that regard as well."

11. In light of aforesaid exposition of law, this Court hold that looking to the object and reasons for enactment of the POCSO Act and nature of allegations by the minor student against a teacher, it would be pre-mature to terminate the proceeding only on the basis of consent/settlement with the victim. Contents of FIR discloses serious offence occurred in Junior College, that too by the Teacher, which cannot be termed as offence of private nature. It has serious impact on the Society. Said acts goes in the public domain and disturbs fabric of the society, so also affects purity of relationship which is expected between students and teachers, particularly, when it comes to girl students from Rural Area. In result, Criminal Application stands **rejected**.

(S. G. CHAPALGAONKAR)
Judge.

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