



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

CRIMINAL APPLICATION NO.4772 OF 2025

Karan s/o Janardhan Gadekar,
Age: 27 years, Occ. Education,
R/o. Thergaon, Tq. Paithan,
Dist. Aurangabad.

..Applicant

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Pachod Police Station,
Tq. Paithan, Dist. Aurangabad.

2. XYZ

..Respondents

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Mr. R.D. Biradar, Advocate for Applicant.
Mr. S.D.Ghayal, APP for Respondent-State.
Mr. A.M. Pathan, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 23, 2026.

FINAL ORDER:-

1. The applicant seeks quashment of FIR bearing No.95 of 2018 dated 28.04.2018 registered with Pachod Police Station, District Aurangabad for the offences punishable under Section 354-D of Indian Penal Code and under Section 12 of Protection of Children From Sexual Offences Act, 2012 ('POCSO Act' for short) and consequential proceeding in Special Case (Child Protection) No.02 of 2025 (Old No.99 of 2019).

2. The investigation was set in motion on the basis of information given by respondent no.2 alleging that she is aged about 13 years. On 12.04.2018, she appeared for 8th std examination. Since

then, she was at home. On 24.04.2018, there was marriage in relation of informant. She attended said marriage. The accused stalked her during marriage ceremony. Thereafter, he continued to do so while she was going to school. On 27.04.2018, accused along with his friend Sonu came in front of her house on motorcycle and thrown a cheat attached to a pen and expressed his love for her. The aforesaid information was culminated into registration of FIR No.95 of 2018 for offences punishable under Section 354-D of Indian Penal Code and Section 12 of Protection of Children From Sexual Offences Act, 2012 ('POCSO Act' for short). The investigation progressed and charge sheet came to be filed. The Special Case (Child Protection) No.02 of 2025 (Old No.99 of 2025) is pending before Sessions Judge at Aurangabad. On 16.10.2019, charge is framed.

3. Today, learned advocates appearing for applicant and respondent no.2 submitted that applicant and respondent no.2 have amicably settled dispute and respondent no.2 intends to file consenting affidavit to allow application for quashing. Accordingly, respondent no.2 was relegated to Registrar (Judicial) of this Court for verification, who submitted his report to this Court stating that respondent no.2 has accepted contents of consent terms to be true and correct. The consent terms are duly signed by applicant and respondent no.2 and their advocates. It is stated that FIR was lodged under pressure and misunderstanding. The respondent no.2 is now major and she is

married elsewhere she is residing happily with her husband and she did not want to prosecute further in the matter. The copy of Aadhar Card shows that date of birth of respondent no.2 is 16.09.2002. She has attained age of majority and she has settled dispute.

4. Although, offence under Section 354-D of Indian Penal Code and Section 12 of POCSO Act are non-compoundable. On careful reading of contents of FIR, this Court finds that ingredients of Section 12 of POCSO Act do not attract in facts of case. To make out an offence under Section 12 of POCSO Act, accused must have committed sexual harassment upon a child. Section 11 of POCSO Act defines sexual harassment. Sub-section (iv) of Section 11 states that a person repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means **with sexual intent** can be said to have committed sexual harassment upon a child. The contents of FIR if considered as a whole, it does not appear that applicant was stalking respondent no.2 with sexual intent. Even chat referred to shows that applicant had expressed or inclined to have affair with her and disclosed his love for her. There is absolutely nothing on record to show that applicant had stalked or constantly followed respondent no.2 with sexual intent. Even making an offence under Section 354-D, requires that a person must follow a woman and contact, or attempt to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such

woman. The facts of present case do not attract aforesaid ingredients. In light of aforesaid factual scenario and fact that respondent no.2 has given no objection for quashment of FIR and fact that she is now married, this Court find that case is made out to quash FIR and proceeding in exercise of inherent powers.

5. Learned APP submits that although applicant and respondent no.2 have amicably settled dispute, investigating agency and judicial time of this Court has been exhausted for last eight years after registration of offence, therefore, it is necessary to impose some cost.

6. At this stage, Mr. Biradar, learned advocate appearing for applicant submits that applicant volunteers to donate an amount of Rs.11,000/- to Sakar Society for Adoption Knowledge Awareness and Resource, Aurangabad. In light of aforesaid submissions, following order is passed :

ORDER

(I) Criminal Application is allowed in terms of prayer clause (B), subject to condition that applicant deposits an amount of Rs.11,000/- to the Sakar Society for Adoption Knowledge Awareness and Resource, Aurangabad and submit receipt thereof to this Court within a period of four weeks from today.

(S. G. CHAPALGAONKAR, J.)