

Pushkar Alias Vishal S/o. Vijay Gadhekar,
Age: 22 Years, Occu. Student,
R/o. Pimpri, Tq. Sillod, Dist. Cha. Sambhajinagar. ..Applicant

1. The State of Maharashtra,
Through Police Inspector,
Sillod Rural, Police Station,
Tq. Sillod, Dist. Cha. Sambhajinagar.

Mr. R. M. Bhosle, Advocate for Applicant.
Mr. S. P. Joshi, APP for Respondent-State.
Mr. V. D. Karande, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 09th APRIL, 2026.

1. The applicant seeks to quash FIR No.359/2024 dated 10.10.2024 registered with Sillod Rural Police Station for offences punishable under Sections 64(1) of BNS r/w Sections 4, 6, 8 and 12 of POCSO Act and Sections 9 and 10 of Child Marriage Restrain Act, 2006 and consequential proceeding in Special Case (POCSO) No.738/2024 pending before Special Judge at Chhatrapati Sambhajanagar.

2. The investigation was set in motion on the basis of information given by mother of minor victim. It is alleged that her daughter is aged about 16 years. She is educated upto 10th

standard. Since last two years, she was residing with her maternal Aunt at Warud. The accused/applicant used to visit house of maternal Aunt. Her daughter had regular conversation with him, which culminated in love affair. On 01.05.2024, her daughter and applicant left home and married in Temple at village Chandol, Dist. Buldhana. Thereafter, her daughter resided at Pimpri alongwith applicant/accused. Since marriage was without consent, parents of couple did not accept such marriage.

3. On 09.10.2024, applicant made phone call to informant. He told that her daughter had stomach pain and she has been admitted to Government Hospital. When informant visited her daughter in hospital, Doctor informed that she is pregnant. Her daughter informed that she had sexual relations with her husband i.e. applicant. Her daughter was aged about 16 years 7 months, still applicant maintained sexual relations with her.

4. The aforesaid information culminated into registration of FIR No.359/2024 and on completion of investigation, charge-sheet came to be filed. At present Special Case (POCSO) No.738/2024 is pending before Special Judge at Chhatrapati Sambhajanagar.

5. On 26.03.2026, learned Advocates appearing for applicant and respondent no.2 jointly submitted that parties have arrived at amicable settlement. The respondent no.2 consented for allowing

present criminal application. Parties were relegated to Registrar (Judicial) of this Court. The applicant, victim and her mother presented themselves before Registrar (Judicial) of this Court. The victim girl who has now attained majority, filed her affidavit giving consent for quashment of FIR and her mother/informant has also filed affidavit giving consent for quashment of FIR.

6. Mr. Bhosle, learned Advocate appearing for applicant submits that applicant and victim had love affair. On 01.05.2024, applicant and victim on their own volition left home and performed marriage in Temple. The applicant was aged about 19 years, where as victim was aged about 16 years and 7 months at relevant time. Thereafter, they resided as husband and wife. The victim had conceived pregnancy and thereafter, when she was taken to hospital, victim's mother was forced to lodge FIR. He submits that applicant and victim are now married and they are leading peaceful matrimonial life with each other. Accordingly, victim as well as her mother have filed affidavits giving consent for quashment of FIR and criminal proceeding. He would submit that in peculiar facts of case, continuation of criminal prosecution against applicant will ruin life of applicant and victim. Further there are no chances of conviction on trial.

7. Per contra, Mr. Joshi, learned APP appearing for respondent-State would submit that victim was child within meaning of

Section 2(d) of POCSO Act. She was subjected to penetrative sexual assault by accused/applicant, who was major at relevant time. Therefore, it is necessary to relegate him for trial.

8. In light of aforesaid factual and legal background, it is necessary to refer some important decisions of Supreme Court as well as this Court, wherein law relating to exercise of inherent powers to quash and set aside FIR and proceeding under POCSO Act have been discussed.

9. The Supreme court in case of ***Mahesh Mukund Patel Vs. State of U.P. and Others***¹ in very similar facts and circumstances observed that “*when appellant and respondent are happily married, no purpose will be served by continuing prosecution, as it will cause undue harassment to appellant, respondent and their children.*” Accordingly, advocated exercise of powers under Section 482 of Code of Criminal Procedure for quashing of proceeding in peculiar facts and circumstances of that case. The Division Bench of this Court in case of ***Sajid Laik Shekh Vs. The State of Maharashtra and another*** (Writ ***Petition No.1097/2023*** decided on **26.11.2025**) in similar set of facts observed as under:

“Undoubtedly, POCSO Act is a special statute enacted to prevent child abuse. But, in case in hand, victim has attained age of majority. At the time of alleged sexual assault, she was in love relationship with petitioner and

¹ 2025 SCC Online SC 614.

said love relationship culminated in their marriage, and they now wish to cohabit and lead happy married life. Accordingly, criminal proceeding has been quashed.”

10. In case of ***K. Kirubakaran Vs. State of Tamilnadu***², Hon’ble Supreme Court quashed conviction and sentence imposed under provision of POCSO Act and observed as under:

“appellant and victim are not only legally married, they are also in their family way. While considering offence committed by appellant punishable under POCSO Act, we have discerned that crime was not result of lust but love. The victim of crime herself has expressed her desire to live a peaceful and stable family life with appellant, upon whom she is dependent, without appellant carrying indelible mark on his forehead of being an offender. Continuation of criminal proceedings and appellant’s incarceration would only disrupt this familial unit and cause irreparable harm to victim, infant child and fabric of society itself.”

11. The High Court of Kerala in case of ***Xx Xx Vs. State of Kerala and Another***³ after considering large number of cases decided by High Court of Delhi, High Court of Odisha, High Court of Punjab and Haryana and Madras High Court quashed proceeding accepting settlement between parties, where adolescent relationship between accused and victim ended in marriage. The Court also laid down significance of certain aspects to be considered in cases where offence is followed by marriage between perpetrator and victim. It has been observed that if criminal proceedings are not quashed, life of victim and accused would be ruined and in order to bring harmony, peace and happiness, such

² 2025 SCC Online SC 2307.

³ 2025 SCC OnLine Ker 2295.

offences may be quashed. Similarly, where there is bonafide and genuine settlement culminating in marriage between petitioner/accused and victim, if criminal proceedings are continued, same would amount to abuse of process. If ends of justice favour quashment in such categories of cases, and if continuance of proceedings would amount to injustice by separating a well-knit family, then quashing proceedings would result in rendering complete and substantial justice to parties.

12. In case of ***Vijayalakshmi and Another Vs. State Rep. By the Inspector of Police and Another***⁴, Madras High Court observed in paragraph no.12 as under:

“12. As rightly recognized by the Learned Single Judge of this Court in Sabari’s Case (cited supra), incidences where teenagers and young adults fall victim to offences under the POCSO Act being slapped against them without understanding the implication of the severity of the enactment is an issue that brings much concern to the conscience of this Court. A reading of the Statement of Objects and Reasons of the POCSO Act would show that the Act was brought into force to protect children from offences of sexual assault, sexual harassment and pornography, pursuant to Article 15 of the Constitution of India, 1950 and the Convention on the Rights of the Child. However, a large array of cases filed under the POCSO Act seems to be those arising on the basis of complaints registered by the families of adolescents and teenagers who are involved in romantic relationships with each other. The scheme of the Act clearly shows that it did not intend to bring within its scope or ambit, cases of the nature where adolescents or teenagers involved in romantic relationships are concerned.”

13. In light of aforesaid exposition of law, if facts of present case are considered, it is evident that applicant, who had just attained age of majority, and victim, who was nearly 17 years old, were deeply in love with each other and, apprehending that their relationship would not be accepted by their parents, left their homes, solemnized marriage in a temple, and started living together as husband and wife. Now both of them are residing together as husband and wife. In this backdrop, continuation of criminal proceeding would not only ruin their life, but criminal prosecution would be abuse of process of law.

14. In result, Criminal Application is allowed in terms of prayer Clause (B).

(S. G. CHAPALGAONKAR)
JUDGE