

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4777 OF 2025

Dadaso Rajaram Kumbhar

....Petitioner

VERSUS

ABC and Anr.

....Respondents

WITH

CRIMINAL WRIT PETITION NO. 4779 OF 2025

Sharad Tukaram Tele

....Petitioner

VERSUS

ABC and Anr.

....Respondents

Adv. P. D. Dalvi, for Petitioner in both petitions.

Mr. Rahul P. Kasbekar, for Respondent No.1 in both petitions.

Mr. Shrishan S. Dupate, for the Informant/Intervenor.

Mr. Anand Subhash Shalgaonkar, APP, for the Respondent – State.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th FEBRUARY, 2026.

P.C.

1. By these petitions, the Petitioners seek quashing of the proceedings in Special Sessions Case No.48 of 2025 pending on the file of the learned Additional Sessions Judge, Karad, District: Satara, arising out of Crime No.45 of 2025 registered with Dhebewadi Police Station, Taluka: Patan, District: Satara, for the offences punishable under Sections 363, 376, 376(2)(n) read with Section 34 of the Indian Penal Code, 1860 (for short, “IPC”), and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”),

and Section 9 of the Prohibition of Child Marriage Act, 2006 (for short, “PCMA).

2. In the F.I.R. lodged by the Informant in short it is alleged that victim is daughter of her niece. The niece has expired in October 2023, and thereafter, she has taken the responsibility of the victim. She was intending to solemnize the marriage of victim after she completes her education and attains the age of marriage. On 4th April, 2024, Accused No.1 abducted the victim and forcibly performed marriage with her at Rudreshwar Mandir, Yeradwadi Village, Taluka: Patan, District: Satara, though he was aware of the fact that she is a minor. Because of the physical relations kept by him with the victim, she has delivered a child. Accused No.2 – Dadaso Rajram Kumbhar has helped Accused No.1 – Sharad to perform the said marriage.

3. The victim has attended majority. She has filed an affidavit stating that the F.I.R. was registered at the instance of the Informant. During investigation, police recorded her statement on 10th May, 2025, in which she has stated that her marriage with Accused No.1 was performed with her consent, in accordance with the Hindu Rights and Rituals and from the date of marriage, she is happily residing with her husband – Sharad. The couple is blessed with a beautiful daughter on 28th November, 2024.

4. It is further stated that the informant has interest in 30 Are land belonging to the father of the victim. She along with her husband

are deliberately and willfully pressurizing her father to sell the said land at a throw away price. Well wisher of her family and father's best friend Dadaso Kumbhar has helped the victim and her father in their difficult time, and therefore, he is also arrayed as accused in the present crime, though, he is not concerned with the marriage. She has given no objection to quash the proceeding of the Special Case No.48 of 2025 pending before the trial Court registered on the basis of F.I.R. No.45 of 2025.

5. She has further stated that the affidavit is filed out of her own free will and consent and without any coercion from the Petitioners or anyone else and that she does not wish to prosecute the F.I.R. and the criminal case arising out of the same.

6. The said affidavit is verified by the learned Registrar Judicial.

7. The victim, informant and both the Petitioners – Accused are present before this Court. They are identified by their respective advocates. The victim confirms the averments made in the affidavit. She states that she and Petitioner – Sharad are living happy married life and they are blessed with a daughter and she has no complaint against the Petitioners. She further submitted that since the Informant was pressurizing her father to sell out the land to her at throw away price and as her father was not acceding to it. The present F.I.R. is *mala fide* lodged by the Informant.

8. The father of the victim was against the marriage and therefore, she lodged the FIR.

9. There appears substance in the contention of the victim that because the informant was interested in her father's land, the informant is objecting to quash the F.I.R. and proceeding.

10. Be that as it may, since the Petitioner – Sharad and victim are happily married and they are blessed with a girl child. Taking into consideration their future and the future of the daughter, this Court is of the considered view that the prayer for quashing on the basis of compromise deserves to be allowed. Even, if the prosecution is not quashed, the same will be dragged for indefinite period. Ultimately, the victim is not likely to support the prosecution and the case would result into acquittal. The same would continue, it would amount to waste of judicial time and energy and would be an abuse of process of law.

11. For the aforestated reasons, both the criminal writ petitions are allowed.

12. The proceeding of Special Sessions Case No.48 of 2025 pending before the learned Additional Sessions Judge, Karad, District: Satara arising out of Crime No. 45 of 2025 are hereby quashed and set aside.

(NITIN B. SURYAWANSHI, J.)