

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

CRIMINAL APPLICATION NO. 99 OF 2026

Vishwanath Tamma Mhamane

VERSUS

The State of Maharashtra And Anr.

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Mr. Vaibhav R. Gaikwad, Advocate for Applicant.

Mr. Shivraj V. Patil (Shirgaonkar) a/w Mr. Vikas B. Patil
(Shirgaonkar), Advocate for Respondent No.2.

Mr. Avinash A. Naik APP for the Respondent No.1-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 21st MAY, 2026

[VACATION COURT]

P. C. :

1. The petitioner has approached this Court seeking quashing and setting aside the first information report bearing Crime No.453 of 2024, presented by respondent No.2/ complainant, registered with Satara City Police Station, District Satara for the offences punishable under Sections 376, 376(1)(n), 323, 504 and 506 of the Indian Penal Code, Section 9, 10, and 11 of the Prohibition of Child Marriage Act, 2006 and Sections 4, 6, 8, 12, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012 and further consequential proceedings arising out of said crime i.e. Special Case

No.105 of 2025, pending before the learned Sessions Judge, Satara.

2. The case of the prosecution is that the complainant alleges that on 24.12.2023, the accused visited complainant's residence under the pretext of providing educational opportunities to minor daughter. Under these false inducements, the accused persuaded the complainant and his wife to accompany them to Shankargaon on the night of 21.12.2023. Subsequently, on 31.12.2023, at approximately 1:00 p.m. in Talewasti, Kolewadi, the accused forcibly solemnized the marriage of the minor victim with one Sachin B. Mhamane, despite being fully aware of her minority status and in direct violation of the Prohibition of Child Marriage Act. The complainant further contends that the accused subsequently restrained the victim, subjected her to physical abuse and harassment, and intimidated the complainant's family with threats of violence and death. Hence, lodged the report.

3. Learned Counsel for the Applicant submits that the dispute arises out of family discord between close relatives and that the parties have amicably settled the matter through intervention of elders. It is submitted that Respondent No.2 no longer wishes to prosecute the proceedings and is ready to place the settlement on

record before this Court. Learned Counsel further submits that no independent material exists to indicate active involvement of the Applicant in the alleged incident and continuation of the proceedings would amount to abuse of process of law. It is also submitted that the Applicant has recently been selected for appointment in the Maharashtra Police Force and continuance of the prosecution would seriously prejudice his future career. It is therefore prayed that this Court may exercise its inherent jurisdiction and quash the impugned FIR and consequential proceedings.

4. Learned APP opposes the Application and submits that the allegations pertain to serious offences and therefore the present case does not warrant exercise of inherent jurisdiction of this Court for quashing of the proceedings merely on the basis of settlement between the parties.

5. Learned Counsel appearing for Respondent No.2 – original complainant, however, submits that the parties have amicably resolved the dispute and that the complainant has no objection if the present Application is allowed. It is submitted that an affidavit to that effect has also been filed on record.

6. Having heard the learned Counsel for the parties and upon perusal of the record, it appears that the dispute arises out of matrimonial and family discord between close relatives. The original complainant has filed an affidavit before this Court stating that the matter has been amicably settled and that he has no objection for quashing of the impugned proceedings. The record further indicates that continuation of the prosecution would only result in prolonging bitterness between the parties, despite restoration of cordial relations.

7. This Court has also taken into consideration the fact that no fruitful purpose would be served by continuing the prosecution in the peculiar facts of the present case. The Applicant has recently been selected for appointment in the Maharashtra Police Force and pendency of the present proceedings is likely to cause serious prejudice his future career prospects.

8. The Hon'ble Supreme Court in *Narinder Singh & Others v. State of Punjab & Another*, (2014) 6 SCC 466, in appropriate cases involving personal or private disputes, the High Court may exercise its inherent jurisdiction to secure the ends of justice even in respect of non-compoundable offences, where continuation of proceedings

would serve no useful purpose.

9. Considering the overall facts and circumstances of the case, particularly the amicable settlement between the parties and the stand of the original complainant supporting the present Application, this Court finds that further continuation of the proceedings would not advance the cause of justice and would instead result in unnecessary continuation of criminal litigation between the parties.

10. Hence, following order

ORDER

- (i) The criminal application is allowed.
- (ii) First Information Report (FIR) bearing Crime No.453 of 2024, presented by respondent No.2/ complainant, registered with Satara City Police Station, District Satara for the offences punishable under Sections 376, 376(1)(n), 323, 504 and 506 of the Indian Penal Code, Section 9, 10, and 11 of the Prohibition of Child Marriage Act, 2006 and Sections 4, 6, 8, 12, 17 and 21 of the Protection of Children From Sexual Offences Act, 2012, stands quashed and set aside as against the present applicant i.e. Vishwanath Tamma Mhamane.

- (iii) Needless to state that non-compliance of aforesaid directions shall result into recall of this order without further reference to the Court.

[SACHIN S. DESHMUKH, J.]