



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 1028 OF 2024

APPLICANT:

Raju Ramlal Chandel
Age about 53 years, Occu: Private,
R/o 1119, Pande Basti, Yogi Arvind
Nagar, Uppalwadi, Nagpur-440026.

...V E R S U S...

RESPONDENTS

1. State of Maharashtra,
through PSO PS Wathoda,
Dist. Nagpur.,
2. XYZ
Crime No. 506 Police Station Wathoda
Nagpur, Dist. Nagpur.

Mr. M.N. Opai, counsel for applicant.
Ms Soniya. Thakur, APP for Respondent No.1.
Ms Sonali Saware Gadhave, counsel for respondent No.2.
Mr Amit Balpande, counsel (appointed) for respondent No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 23/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr. M.N. Opai, counsel for the applicant, Ms. Soniya Thakur, learned APP for Respondent No.1 /State, Ms Sonali Saware Gadhave, learned counsel for

respondent No.2, and Mr. Amit Balpande, learned counsel (appointed) for respondent No.2, the application is taken up for final hearing at the stage of admission.

2. The case of the prosecution, in short, is that on 15/02/2020, after attending a marriage ceremony at Multai, while the minor victim was returning to Nagpur along with her relatives and the applicant, between 2:00 a.m. and 3:00 a.m., the applicant inappropriately touched the private parts of the victim. The said incident was narrated by the victim to her mother on 19/08/2023. Hence, the complaint came to be lodged against the present applicant on 02/09/2023.

3. The applicant challenged the said registration of proceedings on the ground that there is a huge delay in lodging the FIR, there is a variance in the statement of the victim and her mother, the details of the vehicle in which they were allegedly travelling are not given, and the statement of the Aunt of the victim is also not supporting the prosecution version. Hence, on these count, the offence is registered against them is liable to be quashed and set aside.

4. On the other hand, the learned APP has pointed that during the course of investigation, the Investigating Officer gathered the details of the victim. Admittedly, she was only nine years old at the time of incident. The statement of the victim was recorded under Section 164 of the Code of Criminal Procedure, which supports the prosecution case.

5. It is further submitted that the Investigating Officer also recorded the statements of various witnesses. After receipt of all the complaint, the victim was sent for medical examination. The samples of the accused as well as the victim was sent for Forensic Science Laboratory, and the investigation report is still awaited.

6. In addition to this, it was further stated that statement of victim was recorded by a lady officer. The victim was also present before the Child Welfare Committee and Child Welfare Committee also recorded the statement of the victim. Throughout the investigation, the statements of the victim have remained consistent and support the prosecution case.

7. The respondent No.2 also supported the case of the prosecution and submitted that delay in lodging the complaint in such cases cannot be a ground to quash the proceedings in the matter. Therefore, considering the fact that investigation is conducted in the matter and the applicant prima-facie found to be involved. Hence, it is not a fit case for interference of this Court.

8. In the light of the submission made by both the parties, it is clear that the Investigating Officer has collected incriminating material in the matter. The forensic report of the victim is still awaited. The statement of the victim has remained consistent throughout the course of investigation.

9. In the circumstances, in my opinion, this is not a fit case to exercise the inherent power of this Court. The evidence

would be required in the matter, and for that purpose trial is necessary. For the aforesaid reason, I do not find any merits in the application. Hence, I proceed to pass the following order.

ORDER

- a] Criminal application is **rejected**.
- b] The fees of the appointed counsel be quantified as per rule.

10. Rule is discharged. No order as to costs.

(PRAVIN S. PATIL, J.)