



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

CRIMINAL APPLICATION (APL) NO.1355 OF 2024

APPLICANT :- Nayan Alias Piyush Murlidhar Ninawe,
Age-24 years, Occup-Student, R/o Ram
Mandir Chandani Chowk Bhandara,
Maharashtra

..VERSUS..

NON-APPLICANTS :- 1) State of Maharashtra,
Through its Police Station Officer,
Police Station Ambazari, Nagpur
District, Nagpur Maharashtra.
2) Victim (XYZ) in FIR/Crime No.
727/2023 registered with Police
Station: Ambazari Nagpur, District
Nagpur- Maharashtra

Mr. Pranit Jayant Vairagade, counsel for applicant.
Ms D.I. Charlewar, counsel for non-applicant/State.
Ms Radha Mishra, counsel (appointed) for non-applicant No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 28/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr. Pranit Jayant Vairagade, counsel for applicant, Ms. D.I. Charlewar, learned APP for non-applicant/State and Ms. Rajdha Mishra, counsel (appointed) for the non-applicant No.2, the application is taken up for final hearing at the stage of admission.

2. The applicant herein seeks quashment of the proceedings in Special Case (POSCO) No.685/2023, initiated on the basis of First Information Report bearing Crime No. 727 of 2023 registered with Police Station Ambazari, Nagpur, for the offences punishable under Sections 354, 354(D), 506, 376, 376(2)(N), 506 of the Indian Penal Code, 1860, and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. This Court, while issuing notice to the non-applicants observed in paragraphs- 3 as under:-

“3. The informant-girl aged 17 years has lodged the report on 15.10.2023 regarding alleged act of outraging her modesty on 26.07.2023. Later, again after two months, she gave supplementary statement, wherein made allegations about sexual harassment of penetrative sexual assault. The applicant’s learned counsel would submit that initially, there was a delay of three months and the grave allegations were levelled two months thereafter. The victim has also not consented for medical. It is the applicant’s contention that out of rivalry after thought, the report has lodged and then the further improvements to wreak the vengeance.”

4. After issuing notice, non-applicant No.2 could not appear in the matter either personally or through any advocate. As such, this Court has appointed the counsel in the matter to represent the non-applicant No.2.

5. In the background of above said facts, today hearing is conducted in the matter. From the record, it is seen that since 9th standard, she is acquainted with the applicant. In year 2020 out of their friendly relation she was called at one garden by applicant and behaved in immoral manner with her. So also in year 2021, she again called at

same garden by applicant and forcibly tried to established physical relation with her. As such, since long they were knowing each other and time to time meet each other. Hence, considering this particular facts and circumstances of the matter, it is difficult to conclude whether they were having consensual relation or applicant had exploited her.

6. Applicant submission is that during the course of hearing, victim has now attended the age of majority and do not want to prosecute the applicant in the matter. But in the absence of such statement of victim, this Court cannot accept submission of the applicant. In the light of this factual position, and to sub-serve the ends of justice, in my opinion, the trial Court is directed to decide the proceedings as expeditiously as possible in the matter. Hence, I proceed to pass the following order.

ORDER

- a] The criminal application is **rejected**.
- b] The Sessions Judge, Nagpur, is directed to decide the Special Case (POSCO) No. 685 of 2023, launched on the basis of the FIR Crime No. 727 of 2023, for the offences punishable under Sections 354, 354(D), 506, 376, 376(2)(N), 506 of the Indian Penal Code, 1860, and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, as expeditiously as possible, and in any case within a period of six months from the date of receipt of this order.
- c] The parties are directed to cooperate the Sessions Court to decide the proceedings as directed by this Court.

d] The fees of the appointed counsel be quantified as per rule.

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

(PRAVIN S. PATIL, J.)