

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

CRIMINAL APPLICATION (APL) NO.368 OF 2026

APPLICANT :- Udhav s/o Jayvant Lambat,
Aged about 34 years, Occu- Private,
R/o Borgaon (Lambat), Tq. Umred,
District Nagpur.

..VERSUS..

NON- :- 1) The State of Maharashtra,
APPLICANTS through P.S.O., Police Station Bela, Tq.
Umred District Nagpur.

Ori. Complainant 2) XYZ (Victim) through P.S.O. Police
Station, Bela, Tq. Umred, Dist. Nagpur.

Mr. Praful Satbhag Askar, counsel for applicant.
Mr. K.R. Lule, APP for non-applicant/State.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 11/03/2026

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.** Heard finally by consent of learned counsel for the applicant and learned APP for non-applicant/State.

3. By this application, the applicant is seeking quashing of the FIR in connection with Crime No. 0376 of 2024 registered under Section 64(2)(i), 333, 351 (3) of the Bhartiya Nyaya Sanhita, 2023; Sections 4, 6 of Protection of Children From Sexual Offences Act, 2012

and Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The crime was registered on the basis of a report lodged by the non-applicant No.2, aged about 17 years and 27 days. On an allegation that, she is residing along with her parents as well as other family members in the village, where the applicant also resident of the same village. On 08/01/2024, after dinner, she went for a walk at about 8.00 p.m. After the walk, she returned home and went to sleep. At that time, her uncle and aunt were sleeping inside the house. The present applicant approached to her, pushed the door, took her outside the house, and thereafter taken her in the agricultural field and subjected her for the forceful sexual assault. On the basis of the said report, the police have registered the crime against the present applicant.

5. After registration of the crime, the victim was referred for medical examination, and relevant statements of the witnesses were also recorded. The samples were obtained and forwarded to the forensic laboratory for analysis. After completion of the investigation, the charge-sheet was filed against the present applicant. Hence, this application.

6. Heard the learned counsel for the applicant, who submitted that the applicant has been implicated in the alleged offence on baseless allegations, and there is no prima facie material to connect him with the offence. Initially, a similar complaint was filed, from which the applicant has already been acquitted. In view of the above, the application deserves to be allowed.

7. At the stage of issuance of notice, the applicant was heard at length, and the investigation papers are also perused. The learned APP waived notice and invited my attention towards the various statements of the witnesses, especially statement of the victim girl and medical report

and submitted that prima-facie material is there to connect the present applicant with the alleged offence. In view of that, the application deserves to be rejected.

8. After hearing both sides and on perusal of the investigation papers, the victim has specifically narrated about the incident, which took place on 08/11/2024, when she was taken by the present applicant in the agricultural field and subjected for sexual assault. Admittedly, the non-applicant is a minor girl.

9. Before entering into the merits of the case, it would be relevant to consider the object with which the Protection of Children from Sexual Offences Act was introduced is the to protect all children under 18 years from sexual assault, sexual harassment, and child pornography and to provide a supportive environment for child victims. The act ends to achieve this part strengthening legal provisions against child sexual abuse, mandating the reporting of offences to prevent under reporting, establishing Special Courts for speedy trials and creating the child friendly legal process that protects the victim's identity and mental health. The Act was introduced to protect children. The issue regarding the relationship between adolescent is also pending before the Hon'ble Apex Court and that is yet not decided finally.

10. In the present case, the non-applicant No.2 is below 18 years of age. As per her allegation, she was subjected for forceful sexual assault, and she has specifically narrated the incident dated 08/11/2024. She was also referred for medical examination. The samples collected have been forwarded for analysis, and the report thereof is still awaited. Considering the object of the Protection of Children from Sexual Offences Act, and the report of the analysis is still awaited. This is not a fit case for exercising powers under Section 482 of Cr.P.C. or 528 of B.N.S. at this stage. The object behind the Protection of Children from Sexual Offences Act is

considered, along with the statement of the victim is also considered then, prima-facie case is made out against the present applicant.

Moreover, even accepting the submissions of the learned counsel for the applicant that initially also, such type of the complaint was filed against the applicant but he was acquitted. On perusal of the earlier judgment, it reveals that as all the witnesses turned hostile and therefore, he is acquitted. Nowhere it is a finding of the trial Court that he was falsely implicated.

11. At this stage, the statement of the victim, her medial report, and the statements of the other witnesses sufficiently shows the involvement of the present applicant in the alleged offence. The report of the analysis still awaited.

In view of that, the application deserves to be **rejected** by granting an opportunity to the present applicant to approach this Court after report of the analysis is received.

The application is **disposed of**.

(URMILA JOSHI PHALKE, J.)