

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL SIDE APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.636 OF 2017

Nauman Suleman Khan]	
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]	
]	
]..	Applicant.
v/s.		
1]	
State of Maharashtra]	
At the instance of Vashi Police Station)]	
Navi Mumbai.]	
In connection with FIR bearing No.I-240]	
of 2015.]	
2]	
]	
]	
]	
]..	Respondents.

Adv. Datta Mane, for the Applicant.
Mr. K. V. Saste, APP for the Respondent-State.
Mr. Hrishikesh P. Hartalkar, for Respondent No.2.

**CORAM: PRASANNA B. VARALE &
S.M. MODAK,JJ.
DATED : 29th APRIL, 2022.**

JUDGMENT (Per S. M. Modak,J.):-

The applicant is accused in an offence bearing FIR No.I-240 of 2015 registered with Vashi Police Station under Section 376 of Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act (POSCO Act). The offence was registered on the complaint

of _____, the father of the victim-girl. He filed complaint for sexual abuse and sexual harassment of her minor daughter by the applicant. The applicant was arrested. The police have also filed charge-sheet and is pending as POSCO Special Act No. 198 of 2015 before the Special Court at Thane.

2 During pendency of the prosecution, through intervention and well wishers, applicant has settled the dispute with Respondent No.2. Now she has become major. Today, both the parties are present in the Court.

3 We have heard the learned Counsel for the applicant, learned APP and the learned Counsel for Respondent No.2.

4 We have read the affidavit filed by the victim-girl. Now, she is major. It seems that, they were in love with each other. Now they have decided to marry after settling in life in their respective careers. Her parents have also filed affidavits. They have given explanation of misunderstanding while lodging the FIR. Even now they have accepted the friendship in between their daughter and the appellant. The victim-girl tried to give an explanation about her statement recorded by the Police and learned Magistrate. She was tutored to give those statements. We are not accepting the said explanation.

5 We are inclined to accept the prayer for quashing for the reasons that both have agreed to marry. We accept her readiness as an undertaking given today to this Court. Victim-girl had given no objection for quashing. When the applicant is present in the Court, we also asked about his readiness to marry with the victim-girl, he has given an

undertaking to marry to her. We have accepted as an undertaking given to the Court.

6 So we are inclined to accept the request for quashing the FIR, only by considering their future. If the prosecution still remains, it will come in their peaceful life.

7 Hence, the following order:-

- (a) Application is allowed.
- (b) FIR No.I-240 of 2015 registered with Vashi Police Station under Section 376 of Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act (POSCO Act), is quashed and set aside.
- (c) Applicant to file affidavit to that effect within 15 days. If the affidavit is not filed, then the prosecution will revive.

(S.M. MODAK,J.)

(PRASANNA B. VARALE,J.)