

POCSO FIR Against Paternal Aunt Quashed

Supreme Court cautions against using children to settle matrimonial scores

Case: Archana Avinash Shelke v. State of Maharashtra & Anr.

Citation: SLP (Crl.) No. 2163/2025 | **Bench:** Justices J.B. Pardiwala & K. Vinod Chandran

Date: 23 July 2026 | **Court:** Supreme Court of India

Background

The appellant is the paternal aunt of twins born to her brother, who divorced their mother by mutual consent on 05.09.2023. The children were placed in the father's custody, with visitation rights granted to the mother. The mother subsequently lodged an FIR (No. 100/2024, Khadki Police Station, Pune) alleging that the appellant had sexually molested her son, invoking Section 354 IPC and Section 8 of the POCSO Act.

The Court noted a striking coincidence: this FIR was filed just hours after the father lodged an identical complaint against the maternal uncle, alleging an offence against the boy's twin sister. No such allegation had been raised at the time of divorce or at any point before the FIR was filed on 17.03.2024.

Procedural History

- A Division Bench of the Bombay High Court had earlier stayed proceedings, finding the complaint prima facie without substance — particularly since the victim's Section 164 CrPC statement did not corroborate the alleged assault.
- At the final hearing, a different Division Bench, without examining the FIS or the Section 164 statement, directed the appellant to face trial merely because cross-complaints existed between the parties.

Supreme Court's Reasoning

The Court observed that it is unfortunately common for in-laws to be dragged into matrimonial disputes, with children often used as instruments to vilify one side. It held that the High Court erred in directing trial without engaging with material already on record — material that an earlier bench had examined and found insufficient to sustain the complaint.

Held

FIR No. 100/2024 (Section 354 IPC and Section 8 POCSO Act) registered at Khadki Police Station, Pune, stands quashed. No further proceedings shall be taken pursuant to the FIR. Appeal allowed; leave granted.

Shared for professional awareness. Views are summarised from the reported order and do not constitute legal advice on any specific matter.