



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3236 OF 2022

Sandip Sarjerao Sule and Ors. ...Petitioners

Versus

The State of Maharashtra and  
Anr. ...Respondents

....

Ms Unnati Ghia with Mr. Datta Mane for the Petitioners.  
Mr. Devang Vyas, ASG with Mr. D.P. Singh for the UoI.  
Ms M.M. Deshmukh, APP for Respondent No.1-State.

**CORAM: SMT. ANUJA PRABHUDESSAI &**

**N.R. BORKAR, JJ.**

**DATED: 31<sup>st</sup> JANUARY, 2024.**

**P.C.:-**

1. Pursuant to order dated 23<sup>rd</sup> September, 2022 Ms Richa Sharma, Under Secretary in the Ministry of Women and Child Development, Government of India had filed her affidavit whereunder a statement was made that "*this Ministry is of the view that there is a need to adopt a consistent approach towards crimes committed against women. Uptil now, it has been the policy of Government of India to take deterrent measures regarding crime committed against women and children. Accordingly, as a nodal*

*Ministry for welfare and development of women, this Ministry reiterates that making Section 498A IPC compoundable will not be in the interest of women”.*

2. Mr. Devang Vyas, learned ASG for Respondent -Union of India submits that the earlier bill was not processed for want of requisite data. He states that he has now received instructions that the Ministry shall reconsider the fresh Bill sent by the State Government alongwith additional data. He has placed on record copy of letter dated 19/01/2024 apprising the Principal Secretary to the Government of Maharashtra that the requisite response of the State Government, relating to the amendment of the Code of Criminal Procedure is still awaited.

Copies of letters dated 12/12/2022 and 13/03/2023 are also annexed to the said letter. The letter dated 12/12/2022 reads thus :-

*“In view of the comments of Ministry of Women and Child Development, it is requested that the Government of Maharashtra may revisit the Bill and*

*consider withdrawing it from this Ministry. A fresh Bill on the subject may be sent to this Ministry after removing the anomaly pointed out by the Ministry of Women & Child Development”*

3. Similarly, communication dated 13/03/2023, copy of which was also marked to the Chief Secretary, Government of Maharashtra, Mantralaya, Mumbai, states as under:-

*“3. ...*

*4. The above comments of the Ministry of Women and Child Development were also shared with the Government of Maharashtra vide this Ministry’s letter dated 12.12.2022. However, the requisite response/clarifications are still awaited from the Government of Maharashtra.*

*5. Keeping in view of the above comments of the Ministry of Women and Child Development (MWCD) and no response from the Government of Maharashtra, it is not possible to process the Bill further. Therefore, it is requested that the Hon’ble High Court may be apprised, accordingly.”*

4. The affidavit of the Under Secretary does not refer to the

aforestated letters and does not spell out that the Bill could not be processed for want of data from the State Government. On the contrary, gives an indication that the Ministry was not in favour of making Section 498 A compoundable, being not in the interest of women. The affidavit lead in juxtaposition with the aforestated correspondence, gives a misleading picture.

Be that as it may, in the light of the instructions now received by the learned ASG, the State Government shall take steps to submit fresh Bill on the subject, with additional data, after removing the anomaly pointed out by the Ministry of Women and Child Development. We direct the Under Secretary, of Women and Child Development, Government of Maharashtra to file an affidavit placing on record steps taken pursuant to letters dated 12/12/2022 and 13/03/2023, copies of which were also marked to the Chief Secretary of Government of Maharashtra. The affidavit shall further indicate the steps proposed to be taken by the State Government in forwarding the fresh Bill with additional data.

5. Stand over to **14/02/2024**.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)