



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL SUO-MOTO PUBLIC INTEREST LITIGATION
NO.1 OF 2025

THE REGISTRAR (JUDICIAL), HIGH COURT OF
JUDICATURE AT BOMBAY, BENCH AT AURANGABAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. P.R. Katneshwarkar, Senior Counsel appointed as Amicus
Curiae.

Mr. A.B. Girase, Public Prosecutor for Respondents.

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CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.

DATE : 8th JULY, 2025

ORAL ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. We are disturbed by the incident which is in the news since 1st July 2025 which has taken place in the Children's Home. It appears from the news in the newspapers that there is a Children's Home in Cantonment area of Chhatrapati Sambhajinagar and 9 minor girls had escaped from Home by breaking certain articles and also they were holding iron rods

and sticks. They had run from Cantonment to Bhagwan Mahavir Chowk (Baba Chowk) and thereafter some of them were found i.e. in all 7, and search was undertaken in respect of 2 girls. It is also reported that when the statements were taken or inquiry was made with the girls, they had expressed plight over or inconvenience or harassment given to them in the said Home. The news report also states that while running, those girls had gone in front of the District Court, Chhatrapati Sambhajanagar and it is then stated that they had raised chaos there. The news report from a newspaper *Divya Marathi* in its *Divya City* edition of 1st July 2025, states that those girls had tried to make complaint with District Legal Services Authority where they were thereafter taken in custody by *Damini Squad*. It is then stated that they were produced before the Child Welfare Committee and there was no response by the President of Child Welfare Committee, Advocate Ms. Aasha Sherkhane. In the newspaper dated 2nd July 2025 i.e. *Daily Lokmat*, it is stated that in the common room of the girls in the said Home, there were CCTV cameras which were installed, which thing was then objected by the girls. Another newspaper i.e. *Divya Marathi* in its Edition *Divya City* of 2nd July 2025, it is stated that the Children Home which is names as "Vidyadeep", it was visited by the President of

Child Welfare Committee, Women and Child Development Officer as well as Commissioner Reshma Chimandre and they had taken the statements of the girls and they found that those girls were residing in three rooms, out of which CCTV was installed in the girls room from the Protection of Children from Sexual Offences Act. In the act of fleeing away, those girls had damages those CCTVs.

2. In the newspaper *Lokmat* dated 3rd July 2025, it is then stated that the Government had announced an inquiry committee to be set up and the committee to give report within seven days. In Daily *Divya Marathi (Divya City)* of 3rd July 2025, it is stated that whenever there used to be complaint of stomach ache by the girls, there used to be pregnancy test and the home authorities used to put pressure on them by saying that the visitors would visit at the most for fifteen minutes but the girls are with them always.

3. It appears that on 4th July 2025, the Commissioner of Police, Chhatrapati Sambhajnagar had taken the decision to record the statements of the girls through three lady police officers. Even today in *Divya Marathi (Divya City)*, it is stated

that it appears that the girls have expressed their anguish by saying that they had made complaints against the administration of the Home but it has been neglected at various stages by various authorities.

4. After taking note of all these newspaper cuttings, it appears that the authorities are moving at a snail speed, may be with an intention to subside the burning issue. When the girls have taken such step and even tried to lodge the reports, it appears that they have not been allowed. Of course, this is our prima facie impression. The police authorities ought to have lodged the FIR when the minor citizens are subjected to some harassment or cruelty.

5. We have heard the learned Public Prosecutor Mr. Girase, who has sought instructions from the officers from Child Development Department as well as the Commissioner of Police and he submits that when Commissioner of Police had given directions for recording of the statements of the girls to three lady police officers, those statements have been recorded. The statements are made available to us. After going through those statements, we are really shocked with the treatment that was

given and also the complaints those were made in respect of the Child Welfare Committee also. With a broad object the Child Welfare Committees have been established and they are supposed to act in the interest of the children in need of care and protection. Still the question remains that in spite of recording these statements on 3rd July 2025 and 4th July 2025, why the FIR was not registered. The possibility of destruction of evidence then cannot be ruled out and therefore, we have decided to take Suo-Moto cognizance of the entire episode.

6. Another fact to be borne in mind is that there would have been a periodical inspection of the Children's Home and the reports would have been submitted. Of course, we are also taking note of the fact that in view of the statement appearing in one of the news clipping that the employee at the Children's Home used to say that the visitors would come for fifteen minutes only. In that case possibility of pressurizing the girls and tutoring them cannot be ruled out. Still the inspection report then ought to have been placed before the concerned authorities. If at all at any time there was such grievance raised, then why action was not taken, that is a point required to be considered. Another fact that is required to be gone into, is that

as regards the inspection of the Home is concerned, whether the inspecting authority interviews with the parents of the girl, because if the treatment that is given or ill-treatment is given, would be communicated by the girls to the parents and it is a natural conduct and therefore, inspection of such Homes cannot be limited to interviewing the girls who have been admitted in the Home. If any such procedure is adopted and whether there are such instructions by the State Government or not, is then required to be considered. We are also making it very clear that we may not restrict the issue involved in this Petition to a particular Children Home only. If the data is made available, then it may be extended to other Children Homes only.

7. Upon instructions, learned Public Prosecutor is making a statement that as regards the Children Home Vidyadeep is concerned, its license has come to an end on 5th May 2025. Of course the authorities of the said Home have made an application for renewal of the license but the said renewal has not been granted, that is the statement. That means, the fact of renewal is pending before the State Government. We are taking note of a fact that if the license is going to come to an end and the further renewal is not received before that date, then it is

absolutely not feasible and lawful to continue placing the children in need of care and protection, in such Homes. It is informed that there are in all 80 girls those are kept in the same Home. Now apparently it appears that those 80 girls have been allowed to be kept in Vidyadeep Home without any authorization and prima facie we may observe that it was the job of the Child Welfare Committee to see that the safe environment is made available to such girls. Learned Public Prosecutor submits that he would place on record all those facts relating to this, upon getting complete instructions.

8. Taking into consideration the entire magnitude of the issue, we appoint learned Senior Counsel Mr. P.R. Katneshwarkar as Amicus Curiae. He promises that after the data is supplied to him within a day or two, he would prepare a consolidated petition and file it through his instructing Advocate, on or before 14th July 2025.

9. We are giving liberty to learned Public Prosecutor to place certain data in view of the above said facts and the newspaper clippings, the initial impression and the initial say on behalf of the Police Department as well as Child Welfare Department.

Learned Public Prosecutor also submits that the committee of three lady police officers is going to submit its report to the Commissioner of Police today and thereupon, today or by tomorrow the Commissioner of Police would take further steps.

10. At this stage itself, we would also direct that since it is not an adversary litigation and it is suo-moto cognizance that has been taken by this Court, we direct the Police Department as well as Child Welfare Department to supply the data, if required by the learned Amicus Curiae, to him.

11. Place the matter on 14th July 2025.

12. The Registrar (Judicial) of this Court to register this Suo-Moto Public Interest Litigation on the basis of this order.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JULY25