

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2808 OF 2007

- 1) Kailas Dhondiba Kute
Age: 42 years, Occu. Service
As Barber in Arms Forces
Bhrhannagar, Tq. Nagar,
Dist. Ahmednagar.
- 2) Babasaheb Dondiba Kute
Age: 50 years, Occu. Business
R/o- B-6, Ashiyana,
Behind Tatya Tope Society
Pune – 40.
- 3) Ashabai Kailas Kute
Age: 34 years, Occu. Household
R/o- Khandakewada, Sankala Colony
Burhannagar, Tq. Nagar
Dist. Ahmednagar.
- 4) Santosh Shashikant Kute
Age: 23 years, Occu. Agri
R/o Mandawe, Tq. Sangamner
Dist. Ahmednagar.
- 5) Sunil Keru Kute
Age: 22 years, Occu. Agri
R/o Mandawe, Tq. Sangamner
Dist. Ahmednagar.
- 6) Sachin Shasikant Kute
Age: 20 years, Occu. Agri
R/o Mandawe, Tq. Sangamner
Dist. Ahmednagar.
- 7) Dattu Kailas Kute
Age: 15 years, Occu. Student
R/o Khandakewada, Sankala Conony
Burhannagar, Tq. Nagar
Dist. Ahmednagar.

- 8) Vijay Mukund Wagh
Age: 20 years, Occu. Student
R/o Mandawe, Tq. Sangamner
Dist. Ahmednagar.
- 9) Sagar Keru Kute
Age: 18 years, Occu. Agri
R/o Mandawe, Tq. Sangamner
Dist. Ahmednagar.
- 10) Shashikant Dondiba Kute
Age: 52 years, Occu. Agri
R/o Mandawe, Tq. Sangamner
- 11) Nanhaiya/ Bharat Babasaheb Gaikwad ... **APPLICANTS**
Age: 20 years, Occu. Student
R/o Sarita Garden, B Wing
Flat No. 2, Shastri Nagar
Near Dnyanraj School Kasarwadi
Pune- 34.

VERSUS

- 1) The State of Maharashtra
- 2) Investigation Officer
Police Station
Sangamner Taluka Police Station
Sangamner, Tq. Sangamner
Dist. Ahmednagar.
- 3) Ravindra Prabhakar Bagul ... **RESPONDENTS**
Age: 32 years, Occu. Agri
R/o Mandawe, Tq. Sangamner
Dist. Ahmednagar.

Mr. V. R. Dhorde, Senior Advocate I/by Mr. P. S. Dighe, Advocate for the applicant
Mr. K. S. Patil, APP for the Respondents-State.
Mr. S. T. Shelke, Advocate for respondent No.3

**CORAM : T. V. NALAWADE &
SMT. I. K. JAIN, JJ.**

DATE : 1st April, 2015

JUDGMENT (Per Smt. I. K. Jain, J.)

Rule. Rule is made returnable forthwith by consent of the parties. Criminal Application is heard finally.

2. Learned APP is also heard.

3. The application is filed under Section 482 of the Code of Criminal Procedure for quashing FIR in Crime No. 178/2007 registered at Sangamner Taluka Police Station on 01.06.2007 for the offences punishable under Sections 143, 147, 148, 149, 452, 354, 323, 504, 506 read with 149 of the Indian Penal Code and section 3(x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. It is the case of complainant Ravindra Bagul/Respondent No.3 that on 19.05.2007 between 9.00 and 9.30 hours, his mother Shashikalabai, father Prabhakar were sitting in kitchen and his wife Manisha was outside. That time, applicants came there. Applicants Santosh, Babasaheb and Kailas were holding sticks in their hands and started abusing loudly in the name of caste of complainant. It is stated that complainant belongs to scheduled caste. Applicants in

fact entered into the house with an intention to beat him and his family members. Complainant ran away due to fear of assault. Applicants threatened the complainant that if he discloses the incident to police, he would be killed. It is further alleged that applicants assaulted Rajendra- brother of complainant on the dispute of land. Applicant Babasaheb sat on the person of Manisha and tried to outrage her modesty.

5. It is submitted by the learned counsel for both the sides that the parties have settled the dispute. The grievances of the parties are set at rests. Affidavits of respondent No.3 Ravindra Bagul, injured Rajendra Bagul and victim Manisha Bagul have been placed on record. It is stated that applicants belong to same village. With a view to maintain harmonious relation they have decided not to prosecute the applicants.

6. As the parties have decided to live peacefully, in our view continuation of further proceedings in crime No. 178 of 2007 registered at Sangamner Taluka Police Station would be unnecessary. In view of the subsequent development and in the interest of both the parties, we find it a fit case to exercise power under section 482 of the Code of Criminal Procedure.

7. In the result Criminal Application 2808 of 2007 is allowed.

FIR in Crime No. 178/2007 registered at Sangamner Taluka Police Station on 01.06.2007 for the offences punishable under Sections 143, 147, 148, 149, 452, 354, 323, 504, 506 read with 149 of the Indian Penal Code and section 3(x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is hereby quashed and set aside.

8. Rule is made absolute in the aforesaid terms.

(SMT. I. K. JAIN, J.)

(T. V. NALAWADE, J.)