

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.: 6063 OF 2014

1. Archana Sharad Nirphal,
Age: 30 years, Occu.: Household,
2. Sharad S/o Ratan Nirphal,
Age: 33 years, Occu.: Agril.,
3. Pradeep S/o Mohan Nirphal,
Age: 26 years, Occu.: Agril.
4. Uddhav S/o Gangadhar Waisal,
Age: 35 years, Occu. Agril.
5. Digambar S/o Sukhdeo Nirphal,
Age: 30 years, Occu.: Agril.,
6. Sukhdeo S/o Dattatraya Waisal,
Age: 22 years, Occu.: Education,
7. Bhausahab S/o Dada Navale,
Age: 29 years, Occu.: Agril.,
8. Ratan S/o Shankar Nirphal,
Age: 60 years, Occu.: Agril.,
9. Mohan S/o Shankar Nirphal,
Age: 57 years, Occu.: Agril.
10. Shashikala W/o Shivaji Kalaskar,
Age: 50 years, Occu. Household,
11. Manisha Pradeep Nirphal,
Age: 22 years, Occu. Agril.

All R/o Ganeshwadi, Tq. Gangapur,
Dist. Aurangabad.

12. Dwarkabai W/o Namdeo Eistakke,
Age: 65 years, Occu.: Agril.,
R/o Kaygaon, Tq. Gangapur,
Dist. Aurangabad.

... **APPLICANTS.**

VERSUS

1. **The State of Maharashtra.**
2. **The Police Station Officer,
Police Station Gangapur,
Tq. Gangapur, Dist. Aurangabad.**
3. **Tarabai W/o Rohidas Pawar,
Age: 35 years, Occu. Household,
R/o Kaygaon, Tq. Gangapur,
Dist. Aurangabad.**

... **RESPONDENTS**

Mr. S. D. Kotkar, Advocate for the Applicants.
 Mr. V. D. Godbharle, A.P.P. for Respondent No.1.
 Mr. Mr. V. S. Badakh, Advocate for Respondent No.2.

**CORAM:- T. V. NALAWADE &
 SMT. I. K. JAIN, JJ.
 DATED:- 1st APRIL, 2015.**

JUDGMENT [PER SMT.I.K.JAIN, J.]:

. This proceeding was filed for quashing of Crime No.242 of 2014 registered at Police Station Gangapur, Taluka Gangapur, District Aurangabad for the offence punishable under sections 143, 147, 148, 149, 324, 323, 504, 506 of the Indian penal Code and section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Crime is registered on the basis of complaint lodged by Respondent No.3 Tarabai Rohidas Pawar. It is alleged that on 23rd August, 2014 at about 12.30 when Tarabai and her husband were working in field, applicants came

there and scolded her. She fell down. Her bangles broke causing injuries to her hand. Then lady applicants caught her hair and assaulted her with fists and kicks. That time Applicant Archa snatched away gold Chain Sakhali from her hand. The husband of complainant intervened to rescue her. He was assaulted by Applicant Pradip Mohan Nirphal by iron rod on his head. He received bleeding injury. Remaining applicants assaulted him with stick. Due to assault he fell down. Then applicants ran away.

3. Respondent No.3 Tarabai W/o Rohidas Pawar filed her affidavit. She stated that Applicant No.1 also filed complaint against her family members bearing Crime No.243 of 2014 for the offences punishable under sections 392, 354-A (1) (iv), 354 (2), 323, 504 of I.P.C. It is contended that she and applicants are residing in the same village. To maintain cordial relations applicants and Respondent No.3 have decided to compromise the dispute between them by withdrawing the allegations made against each other. Respondent No.3 has no objection to allow the application.

4. As parties have buried their hatchet and decided to live peacefully in future continuation of the criminal proceeding, in our view, would be unnecessary. There is

minimal chance of the witnesses coming forward to support the prosecution. The dispute is exclusively private in nature. The interest of society at large would not be adversely affected. In view of the above, we are of the opinion that power under section 482 of the Code of Criminal Procedure needs to be exercised.

5. In the result, criminal application is allowed. R.C.C. No.454 of 2014 pending before Judicial Magistrate, First Class, Gangapur, arising out of Crime No.242 of 2014 registered at Police Station Gangapur, Tq. Gangapur, District Aurangabad for the offences punishable under sections 143, 147, 148, 149, 324, 323, 504, 506 of the Indian penal Code and section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is quashed and set aside.

6. Rule is made absolute in above terms.

[SMT. I. K. JAIN, J]

[T. V. NALAWADE, J.]

Dated:01/04/2015.
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