

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5887 OF 2015

ASHISH S/O MANOHARRAO NEWARE AND ORS
VERSUS
THE STATE OF MAHARASHTRA & ORS

...
Advocate for Applicants : Mr. Salunke Sudarshan J
APP for Respondent No.1: Mr. A.S. Shinde
Advocate for Respondents 2 and 3 : Mr. S.A. Wakure
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 18th NOVEMBER, 2015

P.C. :-

1. The respondent No.2 had filed complaint No. 771 of 2015 against the present applicants under Section 67-A of the Information Technology Act with Mukundwadi police station, district Aurangabad.

2. Mr. Salunke, learned counsel submits that after filing of complaint on 17.10.2015, the parties have settled the matter amicably. The complainant and the present applicants are related to each other. They have cordial relations. The act is a result of mistake. The applicants are young students. The settlement has taken place at early stage itself.

3. Mr. Wakure, learned counsel appears for respondent Nos. 2

and 3 and accepts that the parties have amicably settled the matter and respondent Nos. 2 and 3 accept that the act of the applicants was a mistake and respondent Nos. 2 and 3 do not wish to proceed with the complaint against the applicants.

4. The complaint is lodged under section 67-A of Information Technology Act. This Court certainly can consider the settlement in non compoundable offence subject to satisfaction of certain conditions, such as settlement is at initial stage, so also it is not in respect of heinous crime and to maintain the peace and harmony. The nature of the complaint is also required to be considered.

5. There is no dispute that the complaint is filed on 17.10.2015 and the settlement has taken place immediately. It appears that the applicants are students. They have undertaken that act of applicants was by mistake and same would not be repeated. Respondent Nos. 2 and 3 have also accepted that the act done by the applicants was by mistake and they do not wish to proceed against the applicants.

6. Considering the age of the applicants and they are students, so also the affidavit filed by the respondent Nos. 2 and 3 accepting that they are condoning the mistake and the act of the applicants so also to maintain the peace, harmony and cordial relations

between the parties, we are inclined to quash the impugned complaint. The F.I.R. No. 771 of 2015 dated 17.10.2015, registered with Mukundwadi police station, district Aurangabad for the offence punishable under Section 67-A of Information Technology Act is quashed and set aside.

7. Criminal application is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/