

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

APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.: 6766 OF 2014

Rohidas S/o Sukhdeo Pawar,
Age: 45 years, Occu.: Agriculture,
R/o: Ganeshwadi, Tq. Gangapur,
Dist: Aurangabad.

... **APPLICANT.**

VERSUS

1. **The State of Maharashtra.**
Through Police Station Gangapur,
Tq. Gangapur, Dist. Aurangabad.

2. Archana Sharad Nirpal,
Age: 25 years, Occu.: Household,
R/o: Ganeshwadi, Tq. Gangapur,
Dist: Aurangabad.

... **RESPONDENTS**

Mr. V. S. Badakh, Advocate for the Applicant.
Mr. V. D. Godbharle, A.P.P. for Respondent No.1.
Mr. S. D. Kotkar, 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.]:

. Rule. Rule made returnable forth. By consent
heard both the parties for final disposal.

2. Initially this proceeding was filed for quashing of
Crime No.243 of 2014 registered at Police Station

Gangapur, Taluka Gangapur, District Aurangabad for the offences punishable under sections 392, 354-A (1) (iv) and 354 (2), 323 and 504 of I.P.C.

3. As the charge sheet came to be filed, learned counsel for the Applicant sought permission to amend the prayer seeking quashing of R.C.C. No.604 of 2014 pending before learned Judicial Magistrate, First Class, Gangapur.

4. Crime is registered on the basis of complaint lodged by Respondent No.2 Archana D/o Sharad Nirpal. It is alleged that on 23rd August, 2014 at about 10.00 Respondent No.2 Archana went to Ramgad Sansthan Ganeshwadi Maroti Mandir along with others for Bhramdan and Bhajan. Persons from Kayegaon also came there. At about 11.00 a.m. she went behind Mandir to answer nature's call in the barren land. Rohidas Pawar, resident of Kaygaon, came from behind through shrubs, caught her and abused her in filthy language. She shouted. The women, who were there in Ashram rushed towards her. They tried to pacify. Rohidas then abused Sitabai Sahebrao Nirpal in filthy language and assaulted her with stick on her left hand. He forcibly snatched away gold

ornament Ganthan weighing 3 Tolas from the person of complainant and ran away. They came to police station and lodged report.

5. Respondent No.2 Archana W/o Sharad Nirphal filed her affidavit. She stated that wife of Applicant has also filed complaint against her family members bearing Crime No.243 of 2014 for the offences punishable under sections 392, 354-A (1) (iv) and 354 (2), 323 and 504 of the Indian Penal Code. It is contended that, to maintain cordial relations applicant and Respondent No.2 have decided to compromise the dispute between them by withdrawing the allegations made against each other. Respondent No.2 has no objection to allow the application.

6. 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 and the interest of society at large would not be affected in any way. In view of these circumstances, we are of the opinion that power under

section 482 of the Code of Criminal Procedure needs to be exercised.

7. In the result, criminal application is allowed. R.C.C. No.604 of 2014 pending before Judicial Magistrate, First Class, Gangapur, arising out of Crime No.243 of 2014 registered at Police Station Gangapur, Tq. Gangapur, District Aurangabad for the offences punishable under sections 392, 354-A (1) (iv) and 354 (2), 323 and 504 of I.P.C. is quashed and set aside.

8. Rule is made absolute in above terms.

[SMT. I. K. JAIN, J]

[T. V. NALAWADE, J.]

Dated:01/04/2015.
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