

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.779 OF 2016

1 Shivnath Raghunath Avhad,
age: 70 years, Occ: Pensioner,
R/o Kopare, Taluka Pathardi,
District Ahmednagar.

2 Ramesh Shivnath Avhad,
age: 42 years, Occ: Agril.,
R/o as above.

3 Sambhaji Kisan Avhad,
age: 42 years, Occ: Service,
R/o as above.

4 Pandharinath Rambhau Andhale,
age: 55 years, Occ: Agril.,
R/o Javkheda-Khalsa,
Taluka Pathardi, District
Ahmednagar.

5 Tukaram Pandharinath Andhale,
age: 27 years, Occ: Agril.,
R/o as above.

Applicants

Versus

1 The State of Maharashtra,
through Pathardi Police Station,
Pathardi, District Ahmednagar.

2 Sudhakar Dadarao Borude,
age: 58 years, Occ: Agril.,
R/o Kopare, Taluka Pathardi,
District Ahmednagar.

Respondents

Mr.S.S.Jadhavar, advocate for the applicants.
Mr.S.P.Deshmukh, APP for Respondent No.1.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 21st April, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The applicants are seeking to quash criminal proceedings initiated in pursuance to lodging of First Information Report being CR No.89/2015, registered at Pathardi Police Station, for the offences punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and for the offences punishable under Sections 147, 143 and 295 of the Indian Penal Code.

3 The complainant is present in the Court and has filed an affidavit stating therein that the filing of the complaint was due to misunderstanding between the parties. He has also stated in the affidavit that in order to maintain harmonious relations with the villagers, complainant does not want to press the complaint and has desire to put an end to the dispute between the parties. Copy of the affidavit is taken on record and marked "X" for identification. Learned advocate representing the complainant before the Court has put an endorsement below the affidavit that contents of the affidavit are explained to the complainant in Marathi and he has accepted correctness of the contents. The complainant has also clarified that he has no desire to prosecute the complainant.

4 The allegations levelled in the complaint are not of serious nature and do not come within the ambit of guidelines recorded by the Supreme Court in the matter of **Gian Singh Vs. State of Punjab & another**, reported in 2012 (10) SCC 303. Even otherwise, since the complainant has no desire to prosecute the complaint, the prosecution is not likely to succeed. The offence is of an individual character and does not make impact on the society.

5 In this view of the matter, proceedings initiated at the instance of complainant, being Cr.No.89/2015, registered at Pathardi Police Station, against the applicants stands quashed.

6 Rule is made absolute in above terms.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE