

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APL) No.840 of 2017

[Golu @ Pankaj s/o Rajaram Yadao v. State of Maharashtra, through P.S.O.
Jaripatka, Nagpur, and another]

And

Criminal Application (APL) No.886 of 2017

[Sau. Varsha w/o Anil Meshram v. State of Maharashtra, through PSO, P.S.
Jaripatka, Nagpur, and another]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

In Criminal Application (APL) No.840 of 2017 :

Shri Lubesh Meshram, Advocate for Applicant.

Ms Sangeeta Jachak, Additional Public Prosecutor for
Non-Applicant No.1.

In Criminal Application (APL) No.886 of 2017 :

Ms R.G. Nitnaware, Advocate, holding for Shri Y.B. Mandpe,
Advocate for Applicant.

Ms Sangeeta Jachak, Additional Public Prosecutor for
Non-Applicant No.1.

Coram : R.K. Deshpande & M.G. Giratkar, JJ.

Date : 19th December, 2017

1. On 13-12-2017, this Court passed an order in Criminal Application (APL) No.840 of 2017 as under :

“ Learned counsel for the applicant submits that the applicant Golu @ Pankaj Rajaram Yadao is personally present before this Court. He further submits that the non-applicant no.2 Sou. Varsha Anil Meshram is also

present before this Court. He identifies the applicant as well the non-applicant no.2. Special Case No.22/2016 is pending arising out of FIR No.57/2016 registered on the basis of the complaint filed by the non-applicant no.2 against the applicant for the offences punishable under Section 354, 294, 506, 323 read with Section 34 of the Indian Penal Code and Section 3(i)(ii), (11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Criminal Case No.3705/2016 is pending against the non-applicant no.2 arising out of FIR No.3168/2016 registered at the instance of the applicant for the offences punishable under Sections 294, 506-B read with Section 34 of the Indian Penal Code.

We have asked the applicant and the non-applicant no.2 who are said to be present in this Court and are identified by the learned counsel for the applicant as to whether they are interested in proceeding further in the matter. They submit that they do not want to proceed further.

Issue notice to the non-applicant no.1, returnable on 19-12-2017.

Shri Deshpande, learned Additional Public Prosecutor waives service of notice on behalf of the non-applicant no.1.”

2. In Criminal Application (APL) No.840 of 2017, the prayer is to quash the proceedings of Special Case No.22 of 2016 arising

out of FIR No.57 of 2016 registered at the instance of the non-applicant No.2- Sou. Varsha w/o Anil Meshram against the applicant- Golu @ Pankaj s/o Rajaram Yadao for the offences punishable under Sections 354, 294, 506 and 323 read with Section 34 of the Indian Penal Code and Sections 3(i)(ii) and 11 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. In Criminal Application (APL) No.886 of 2017, the prayer is to quash the proceedings of Criminal Case No.3705 of 2016 arising out of FIR No.3168 of 2016 registered at the instance of the non-applicant No.2- Golu @ Pankaj s/o Rajaram Yadao against the applicant- Sau. Varsha w/o Anil Meshram for the offences punishable under Sections 294 and 506B read with Section 34 of the Indian Penal Code.

4. The parties appearing before us in person have expressed that they are not interested in going ahead with the prosecution of the offences against each other and they have prayed for quashing of the same. In view of the decision of the Apex Court in the case of *Narinder Singh and others v. State of Punjab and another*, reported in (2014) 6 SCC 466, the FIR can be quashed by consent of the parties, as no fruitful purpose will be served in permitting the prosecution to go on, when the complainants themselves have expressed that they do not want to proceed further.

5. In the result, both these criminal applications are allowed.

In Criminal Application (APL) No.840 of 2017, the proceedings of Special Case No.22 of 2016 arising out of FIR No.57 of 2016 under Sections 354, 294, 506 and 323 read with Section 34 of the Indian Penal Code and Sections 3(i)(ii) and 11 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, are hereby quashed and set aside.

In Criminal Application (APL) No.886 of 2017, the proceedings of Criminal Case No.3705 of 2016 arising out of FIR No.3168 of 2016 under Sections 294 and 506B read with Section 34 of the Indian Penal Code, are hereby quashed and set aside.

Both these criminal applications stand disposed of accordingly.

(M.G. Giratkar, J.)

(R.K. Deshpande, J.)

Lanjewar