

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 4973 OF 2017**

Bharat s/o Balchand Sarode, ... **Applicant**
Age 20 years, Occu: Education, (Orig. Accused)
R/o Sakhmapuri, Shevgaon,
Tq.Shevgaon, Dist.Ahmednagar.

VERSUS

1. The State of Maharashtra
Through Shevgaon Police
Inspector Police Station,
Shevgaon, Dist. Ahmednagar.
2. Dattatraya Kadubal Tile
Age Major, Occu: Service
R/o C/o Shevgaon Police
Station, Shevgaon,
Dist.Ahmednagar.

... Respondents

Mr. Santosh S. Jadhavar, Advocate for the applicant
Mr. R. V. Dhasalkar, APP for respondent No.1-State.
Mr. Suhas S. Shirsat, Advocate for respondent No.2.

**CORAM : T. V. NALAWADE AND
K. L. WADANE, JJ.**

DATE: : 19th June, 2018

JUDGMENT (Per K. L. Wadane, J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.

2. The present application is filed for quashing the criminal Proceeding of Special Case No.106/2017 pending on the file of Sessions Judge, Ahmednagar

against the applicant and the First Information Report bearing Crime No.I-237/2016 registered with Shevgaon Police Station, District Ahmednagar for the offence punishable under Section 354(A) of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Respondent No.2 has lodged complaint with Shevgaon Police Station on 20.08.2016, alleging that applicant was teasing his daughter who was minor and due to fear of teasing, she has stopped her education, however, due to defamation in the society, the complaint was not lodged. It was further alleged that on 18.08.2016, at about 9.30 p.m., when all family members were in the house, they heard cry of victim and when they came out of the house, they found that applicant had ran away from the house and the victim was crying and upon enquiry, she told that applicant had outraged her modesty.

4. On the basis of such complaint, offence as referred above came to be registered against the applicant and after investigation of the crime, charge sheet is filed in the Sessions Court, Ahmednagar vide

charge sheet No.I-37/2017 and trial is pending.

5. Heard learned Mr.Santosh S.Jadhavar, learned counsel for the applicant, Mr. R.V. Dhasalkar, learned APP for respondent No.1-State and Mr.Suhas R.Shirsat, learned counsel for respondent No.2.

6. Learned counsel appearing for the applicant submits that during pendency of the trial, the victim got married with someone and the complainant is no more interested in prosecuting the present case as the victim do not wish to have any record regarding her character. The complainant and victim have decided to refrain from prosecuting the criminal case and therefore, the learned counsel for the applicant submits that the parties settled the dispute amicably and prays for quashing the criminal proceeding against the applicant.

7. Respondent No.2 complainant filed affidavit in reply in support of the application, stating that meanwhile the victim married with someone and considering the peculiar facts, they thought it appropriate to settle the issue and not to proceed further in the trial of Special Case No.106/2017. The

complainant has no objection for compounding and quashing the criminal proceeding pending against the applicant. Victim has also filed affidavit in support of the application stating that she has no objection for quashing the criminal proceeding.

8. The learned counsel for the applicant has relied on the decision of this court in the case of **Bapurao @ Dattatraya Shivaji Ligade Vs. State of Maharashtra and others, reported in 216 All. M.R.(Cri)4030**, wherein this Court has quashed and set aside the F.I.R. for the offence under the provisions of Protection of Children from Sexual Offences Act, 2012 along with other offences. The learned counsel has also relied on the decision of Punjab and Haryana High Court in the case of Mohinder Kumar and antoehr Vs. State of Punjab and others in CRM-M-25118-2007 wherein, the criminal proceedings for the offence punishable under Section 363 etc. of the Indian Penal Code, sections 3 and 4 of the POSCO Act, so also section 3 of the SC & ST Act are quashed by referring to the law laid down by Hon'ble Supreme Court in the **Narindar Singh and others Vs. State of Punjab and another, reported in (2014) SCC page 466.**

9. In that view of the matter, keeping in view the fact that the dispute has been amicably settled and in view of the above cited decisions, we found that it is not desirable to continue the criminal proceedings against the applicant. Hence following order.

O R D E R

i. The Application is allowed.

ii. Criminal Proceeding of Special Case No. 106/2017 pending on the file of Sessions Judge, Ahmednagar against the applicant and the First Information Report bearing Crime No.I-237/2016 registered with the Shevgaon Police Station, District Ahmednagar for the offence punishable under Sections 354 (A) of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 are quashed and set aside.

iii. Rule is made absolute accordingly.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC