

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

CRIMINAL APPLICATION (APL) NO.76 OF 2019

(Jatansing Onkarsing Girase and another ..vs.. State of Maharashtra, through PSO, PS Frezarpura,
Amravati and another)

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

Court's or Judge's orders

Ms. S.S. Jadhav, Counsel for the applicants,
Shri T.A. Mirza, Addl.P.P. for non-applicant No.1,
Shri S.I. Ghatte, Counsel for non-applicant No.2.

CORAM : P.N. DESHMUKH AND

ROHIT B. DEO, JJ.

DATED : 27-02-2019

Applicant Nos.1 and 2 as well as non-applicant No.2 are present. Their respective Counsel are present. Learned Additional Public Prosecutor is Present.

2. Learned Counsel has placed on record notarised affidavits of complainant-Bhakti Kale and her mother Smt. Pushpa Kale duly signed by complainant as well as her mother Smt.Pushpa. According to the affidavits filed on record, complainant does not want to prosecute her report dated 22-7-2014 upon which First Information Report No.194/2014 for the offences punishable under Sections 354 and 364-A of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act is registered.

3. According to the report, non-applicant No.2 for the purpose of education was staying with applicant No.2

being her aunt in whose house applicant No.1 used to visit for performing some religious work. It is further mentioned in the report that while he was staying in the house of applicant No.2, he on certain occasions committed act by inappropriately touching complainant and thereby outraging her modesty attracting provisions of Section 354-A of the Indian Penal Code.

4. It is case of complainant that at no point of times she had lodged her report, and that offence is registered against applicant at the instigation of her uncle Shri Ravindra Munde as he was suspecting of illicit relations between applicant No.1 and applicant No.2 who is his wife. According to complainant, for this reason, false report is lodged against the appellant upon which offence came to be registered, which she does not want to prosecute further.

5. In the circumstances, the learned Counsel for applicant, relied on the law laid down in the cases of *Gian Singh v. State of Punjab and another* reported in (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and another* reported in (2014) 6 SCC 466, and has thus contended that there is no purpose in prosecuting the crime, and the application be allowed.

In view of the facts as aforesaid and the law relied by applicants, wherein it is held that in case dispute is between the parties and compounding of offence is

prayed for and if there is settlement arrived at between the parties then the case should be allowed to compound as allowing the matter to proceed would amount to abuse of process of law. In view of the facts involved in the matter, we find that the law laid down in above stated cases can be duly applied to the case in hand.

6. Having considering the law laid down by the Authority as afore said and the facts involved in the application, same is, therefore, liable to be allowed in terms of prayer clauses (A) and (B) thereby quashing proceedings initiated vide Sessions Trial No.247/2016 pending on the file of learned District and Sessions Judge, Amravati, subject to payment of costs of Rs.25,000/- (Rupees Twenty Five Thousand) to be jointly paid by applicant Nos.1 and 2 and further amount of costs of Rs.25,000/- (Rupees Twenty Five Thousand) to be paid by non-applicant No.2-complainant for putting law into motion. Applicants and non-applicant No.2-complainant shall deposit the costs as aforesaid with the Registrar of this Court within a period of one month, which shall be paid to the High Court Bar Association, Nagpur.

7. Application stands disposed of as allowed in the above terms.

JUDGE

JUDGE

adgokar