

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

74 CRIMINAL APPLICATION NO. 503 OF 2021

**SUNANDA KISHOR KAPURE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Applicant : Mr. M.V. Bhamre.
APP for Respondent No. 1 : Mr. Y.G. Gujrathi.
Advocate for Respondent No. 2 : Mr. M.M. Jadhav.

**CORAM : SUNIL P. DESHMUKH AND
NTIN B. SURYAWANSHI, JJ.
DATED : 14.09.2021**

PER COURT :

1. This application seeks quashing of FIR in Crime No. 91/2019 and the charge-sheet filed pursuant to the same for the offences punishable under Section 392 of the Indian Penal Code.

2. The second respondent filed first information report alleging that on 14.10.2019, at about 7:30 in the evening she attended Balaji Palkhi Utsav, there was rush. At that time, when the informant went to buy a purse at one shop, she realized that somebody is cutting her Mangalsutra. When she looked behind, the applicant snatched her Mangalsutra. She raised a hue and cry. At that time, the applicant had caught some part of the Mangalsutra and four golden beads were in her hand and she fled away with that. Though people tried to

follow her, by taking advantage of crowd, she fled away. After conducting investigation charge-sheet came to be filed.

3. Perusal of the charge-sheet indicates that the stolen property was not recovered at the instance of the applicant. We are unable to comprehend as to how Section 392 of the IPC is applied by the investigating agency in the present case. Even if the allegations are made in the FIR are taken as it is, they do not make out any ingredients of Section 392 of the IPC. Similarly, ingredients of Section 392 of the IPC are totally lacking in the entire charge-sheet.

4. The parties have amicably settled their dispute and an affidavit to that effect is filed by respondent No. 2, stating that due to misunderstanding the complaint came to be lodged against the applicant. They are resident of the same locality and with the intervention of elder members of their families, they have settled their dispute. The informant/respondent No. 2 has no objection if the proceedings against the applicant are quashed.

5. Taking into consideration the allegations in the FIR and the material collected in the investigation, we find that no offence under Section 392 of IPC is made out. Considering the compromise arrived

at between the parties, we are of the view that continuation of the proceedings would be a futile exercise and would amount to abuse of process of law.

6. In that view of the matter, we allow the Criminal Application in terms of prayer clause 'B'.

7. We direct the applicant and the respondent No. 2 to pay a sum of Rs. 5,000/- (Rupees five thousand) each to the Advocates' Association of Bombay High Court at Aurangabad, within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)

(SUNIL P. DESHMUKH, J.)