

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

CRIMINAL APPLICATION NO. 2385 OF 2020

Mahesh s/o Vinayak Gadekar

..Applicant

Versus

The State of Maharashtra
through Police Inspector,
Vedant Nagar Police Station,
Aurangabad and anr.

..Respondents

Mr A.S. Khedkar, Advocate for applicant

Mrs Preeti V. Diggikar, A.P.P. for respondent no.1

Mr A.S. Kale, Advocate for Talekar and Associates for respondent no.2

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 6th August 2021

PER COURT :

1. Leave to correct prayer clause (A).
2. Heard finally with the consent of parties at admission stage.
3. This criminal application is filed for quashing of the F.I.R. bearing No.06 of 2020 (vide Special Case No.325/2020 pending before the Special Court, Aurangabad), registered at Vedant Nagar Police Station, Aurangabad for the offences punishable under Sections 3 (1) (r) and 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the ground of settlement.
4. The applicant is an accused in connection with the aforesaid crime and allegedly insulted the informant with intent to humiliate at the place within public view. The informant is a member of Scheduled Caste. Further the applicant has also abused him by referring him by his caste at a place

within public view.

5. The learned Counsel for the applicant submits that the applicant is an employee of ACC Company and working with the said company since long. The informant is running two companies, namely Chaitanya Infra and Millennium Gateway Pvt. Ltd., Aurangabad. The applicant in the capacity of employee of the ACC company has entered into agreement with the company run by the informant. Respondent no.2/informant alleges that the said ACC company has breached the conditions of agreement. There is a civil litigation pending between the parties in the Civil Court. It is alleged that when the informant along with some other persons went to Civil Court for attending the hearing at about 3.45 p.m., the applicant has insulted him by referring with his caste and abused him in the Court premises. The learned Counsel submits that pending the said civil litigation, the ACC company in which the applicant is the employee and the informant mutually agreed to settle their claims, counter claims, demands, dues, disputes and allegations including withdrawal of all the proceedings pending in the Court including the present F.I.R. no. 06/2020. The learned Counsel for the applicant has brought to our notice the settlement agreement Exh. 'B' page no.23. The parties have arrived at settlement in terms of Clause Nos.1 to 12, as detailed in the settlement agreement.

6. The learned Counsel for respondent no.2/informant submits that respondent no.2/informant has filed his affidavit-in-reply. The learned counsel submits that respondent no.2 did not have any personal enmity with the applicant and the incident, as alleged in the F.I.R. had occurred during

the course of Court hearing pertaining to civil matter between the parties. They have decided to put to an end the civil litigation pending between them by mutual consent. The learned Counsel submits that they have decided to maintain their business relations in future.

7. We have also heard the learned A.P.P. for respondent no.1/State.

8. In a case of **Gian Singh Vs. State of Punjab and anr.**, reported in **(2012) 10 SCC 303**, in paragraph 48, the Supreme Court has framed the guidelines to consider quashing of the proceedings where the parties have arrived at amicable settlement. To conclude, the Supreme Court has observed that there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. 'to prevent abuse of the process of any court' or 'to secure the ends of justice'

9. The learned Counsel for respondent no.2 has placed his reliance on the following three cases :

(i) **Gorakshnath Dattatraya Shinde and Ors. V. Balasaheb Vanaji Pawar and Anr.** reported in **2018 SCC OnLine Bom.6822**;

(ii) **Kaustubh Girish Ranalkar V. State of Maharashtra**, reported in **2018 SCC OnLine Bom.11381**; and

(iii) **Bhagwan Ramnath Dhattrak and Ors. V. State of Maharashtra (W.P.No.1449 of 2021)**

In the aforesaid cases, by referring the earlier decision on the same

point, it is observed that :

"The powers under Section 482 of the Cr.P.C. and under Article 226 of the Constitution of India could be exercised for quashing of F.I.R. or the proceedings wherein the offences alleged are under the provisions of Prevention of Atrocities Act in view of the settlement arrived at between the parties.

10. In a case of **Manoj Hiralal Gupta and Ors vs The State Of Maharashtra**, reported in **AIR ONLINE 2021 BOM 1957**, **Chandu Gajanan Margaonwar V. State of Maharashtra**, reported in **AIR ONLINE 2021 BOM 486** and **Mansur A. Khan Vs. State of Maharashtra** reported in **2004 (Supp 2) Bom.C.R. 693**, the Division Bench of this Court has recently taken the similar view.

11. In the instant case, the applicant is the employee of the ACC company and in that capacity, he has entered into the agreement with the informant. Unfortunately, on account of the alleged breach of conditions of the agreement, the parties approached to the Civil Court. However, considering their business relations and the same are necessary to be continued in future also, they have decided to put to an end the litigations including the civil litigation as well as criminal proceedings.

12. We have carefully gone through the affidavit-in-reply filed by respondent no.2. It appears that the parties have arrived at settlement voluntarily. There is no personal enmity between the applicant and the informant. It appears that the incident has taken place all of a sudden without any premeditation.

13. Considering the entire aspect of the case and considering that on

earlier occasion we have taken a view that the powers under Section 482 of the Cr.P.C. and under Article 226 of the Constitution of India could be exercised for quashing of F.I.R. or the proceedings wherein the offences alleged are under the provisions of Prevention of Atrocities Act, 1989, we have no hesitation but to pass the following order. However, we have exercised the powers considering the peculiar facts of the present case.

ORDER

- (i) The Criminal Application is allowed in terms of prayer clause (A).
- (ii) The Criminal Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

(V. K. JADHAV , J.)

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