

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

CRIMINAL APPLICATION (APL) NO. 362 OF 2015

1. Shri Kishor s/o Shankar Choudhari,
Aged about : 43 years,
Occ : Social Worker,
R/o Dahegaon Ranganri,
Tahsil Saoner, Dist. Nagpur.
2. Sau. Subhash s/o Shankar Choudhari,
Aged about : 33 years, Occ: Private. ... **APPLICANTS**

V E R S U S

1. State of Maharashtra,
Through the Police Station Officer,
Police Station, Khaparkheda,
Dist. Nagpur.
2. Sau. Bebitai w/o Suresh Gaikwad,
Aged : 41 years, Occ : Service,
R/o Dahegaon Ranganri,
Tahsil Saoner, Dist. Nagpur. ... **NON-APPLICANTS**

Shri P. S. Tiwari, Advocate for applicants.

Shri N.S.Rao, Additional Public Prosecutor for Non-applicant No.1-
State.

Shri Deoul Pathak, Advocate for Non-applicant No.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 01/03/2021.

ORAL JUDGMENT : (PER : Z.A. HAQ, J.)

1. By this application under Section 482 of the Code of Criminal Procedure, the applicants have prayed that the First Information Report registered against them with the non-applicant

No.1 - Police Station vide Crime No.70/2015 for the offences punishable under Sections 3(1), (11) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 r/w Sections 294, 323, 341, 354-A, 504 and 506 of the Indian Penal Code be quashed.

2. The criminal application is admitted and is pending for final hearing and the investigation against the applicants for the offences punishable under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is stayed.

3. Today, at the time of hearing, it is submitted on behalf of the applicants that during the pendency of the criminal application, the matter is amicably worked out. This fact is admitted by the non-applicant No.2 in the affidavit filed by her today.

4. As the parties have amicably worked out the matter and the investigation is at preliminary stage and the charge sheet is not yet filed, in our view, the chances of conviction of the applicants are bleak. In view of ratio laid down by the Hon'ble Supreme Court in the case of Madan Mohan Abbot Vrs. State of

Punjab, reported in (2008) 4 SCC 582, and in the above facts, we deem it appropriate to exercise the jurisdiction under Section 482 of the Code of Criminal Procedure.

5. Hence, the following order is passed :-

First Information Report registered against the applicants with the non-applicant No.1 - Police Station vide Crime No.70/2015 is quashed.

6. Rule is made absolute accordingly.

JUDGE

JUDGE

Choulwar