

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

988 CRIMINAL APPLICATION NO.483 OF 2022

**GANESH NANASAHEB GIDHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. Thombre S.S.
APP for Respondent No. 1 : Mr. B.V. Virdhe
Advocate for Respondent No. 2 : Mr. N.S. Jadhav

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 20.10.2022.

PER COURT :

Heard the learned advocates for the applicants and respondent No. 2.

2. The applicants are invoking powers of this Court under Section 482 of the Code of Criminal Procedure for quashing Special Case No. 219/2021 pending on the file of the Judge of the Special Court at Aurangabad for the offences punishable under Sections 323, 504 read with Section 34 of the Indian Penal Code and under Sections 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. The learned advocate Mr. Jadhav appears suo motu for the respondent No. 2-original informant and files an affidavit in reply. It has been specifically mentioned in that affidavit that in order to keep harmony amongst the villagers and due to the intervention of some villagers, the applicants were given understanding and in that view he is consenting for quashment of the crime.

4. We have heard the learned A.P.P. as also.

5. Going by the nature of the allegations in the F.I.R., it has been merely mentioned about the applicants having hurled abuses on caste line and called him by the name of the caste. It is also apparent that one of the witnesses namely Chandrabhan Gidhe in his statement under Section 161 of the Code of Criminal Procedure had also stated that even the respondent No. 2 was under influence of liquor at the time of the incident and was hurling abuses.

6. Considering the aforementioned facts and circumstances, in our considered view, when there is no heinousness in the alleged crime and we do not see any public policy being involved and when the parties have decided to amicably settle the dispute in stead of aggravating it and resulting in strained relation between different sects in the village, the request of the applicants deserves to be considered favourably.

7. The Application is allowed. Special Case No. 219/2021 pending on the file of the Judge of the Special Court at Aurangabad for the offences punishable under Sections 323, 504 read with Section 34 of the Indian Penal Code and under Sections 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is quashed and set aside.

(ABHAY S. WAGHWASE J.)

(MANGESH S. PATIL, J.)

mkd/-