

CRIMINAL APPLICATION NO. 341 OF 2022

Sukhada Shersingh Rathor @ Rathod ...Applicant

Versus

1. The State of Maharashtra

2. Shersingh Maharaj Singh Rathor ...Respondents

Mr. Viral Rathod i/b Ms. Bimala Chounal for the Applicant

Mr. K. V. Saste, A.P.P for the Respondent No.1-State

Mr. Ritesh Yadav i/b Mr. N. K. Sharma for the Respondent No. 2

CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
WEDNESDAY, 7th SEPTEMBER 2022

P.C. :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of
the parties and is taken up for final disposal. Learned A.P.P waives service

on behalf of the respondent No.1–State. Mr. Yadav waives service on behalf of the respondent No.2.

3 By this application, the applicant aged 23 years, seeks quashing of the C.R. No. 328/2020 registered with the Kherwadi Police Station, Mumbai, for the alleged offence punishable under Sections 324, 504 and 506(2) of the Indian Penal Code and all consequential proceedings thereto.

4 Perused the papers. The applicant is the daughter of the respondent No. 2. The incident is alleged to have taken place in the intervening night of 25th October 2020 and 26th October 2020. It appears that there was a quarrel between the applicant and the respondent No. 2 i.e. between the daughter and the father, in which, the applicant assaulted the respondent No. 2. After investigation, charge-sheet was filed.

5 The aforesaid petition has been filed by the applicant in view of the amicable settlement with the respondent No. 2. It appears

that the applicant and the respondent No. 2 i.e. daughter and father have decided to put an end to the criminal proceeding. Learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No. 2-Shersingh Rathor, duly affirmed on 5th August 2022. In the said affidavit, the respondent No. 2 has stated that the matter has been amicably settled and he has no objection if the criminal proceedings are quashed and set-aside. The respondent No. 2 is present in Court and re-iterates the same. Learned counsel for the respondent No. 2 has tendered self attested xerox copy of the Aadhar card of the respondent No. 2, in support of his identification. The same is taken on record. Learned counsel for the respondent No. 2 also identifies respondent No. 2.

6 Having regard to the nature of relationship between the applicant and the respondent No. 2, the manner in which the incident had taken place and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and

1 (2012) 10 SCC 303

*Narinder Singh & Ors. vs. State of Punjab & Anr.*² in this regard, there is no impediment in allowing the Application.

7 The Application is accordingly allowed and the C.R. No. 328/2020 registered with the Kherwadi Police Station, Mumbai and all consequential proceedings arising therefrom, are quashed and set-aside.

8 Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

9 All concerned to act on the authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.

² (2014) 6 SCC 466