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

CRIMINAL APPLICATION (APL) NO.540 OF 2022

Ashok s/o Prabhuji Paikine, aged about 55
years, occupation: service, r/o ward No.5,
Mahagaon, tahsil Mahagaon, district Yavatmal. **Applicant.**

:: VERSUS ::

1. The State of Maharashtra, through the Police
Station Officer, Police Station Mahagaon, tahsil
Mahagaon, district Yavatmal.

2. Ku.Surekha Subhash Jadhav, aged 36 years,
occupation: service, r/o at Mudana, tahsil
Mahagaon, district Yavatmal. **Non-applicants.**

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Shri N.B.Kalwaghe, Counsel for the Applicant.

Shri P.S.Chawhan, Counsel for Non-applicant No.2.

Shri S.M.Ghodeswar, Additional Public Prosecutor for the State.

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CORAM : V.M.DESHPANDE & AMIT B.BORKAR, JJ.

DATE : MAY 02, 2022

ORAL JUDGMENT (Per : Amit.B.Borkar, J.)

1. Heard learned counsel Shri N.B.Kalwaghe for the
applicant, learned counsel Shri P.S.Chawhan for non-applicant No.2,
and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the
State. **Rule.** Rule made returnable forthwith. Heard finally by consent
of learned counsel for respective parties.

2. By this application, under Section 482 of the Code of
Criminal Procedure, the applicant challenges First Information Report

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No.552/2021 registered with Mahagaon Police Station, Yavatmal for offences punishable under Sections 354, 323, and 506 of the Indian Penal Code. The First Information Report came to be registered against the applicant with accusations that the applicant outraged modesty of non-applicant No.2.

3. The applicant is working as headmaster and non-applicant is working as teacher in the same school.

4. It appears that the wife of the applicant has also lodged a First Information Report against husband of non-applicant No.2.

5. During pendency of investigation, the applicant and non-applicant No.2 have arrived at settlement.

6. Non-applicant No.2 has filed an affidavit stating therein that she has no objection if proceedings lodged against the applicant by her is quashed on a condition that the applicant shall not cause any problem to her in future. It is also stated in the affidavit that to maintain good relations in the school they are settling the matter amicably.

7. Having heard learned counsel for respective parties and carefully gone through allegations in the First Information Report in

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question and First Information Report lodged by the wife of the applicant against husband of non-applicant No.2, we find that the First Information Report in question is a counterblast to First Information Report lodged by the wife of the applicant against husband of non-applicant No.2. We find that initiation of proceedings would amount to abuse of process of the Court since parties have resolved their dispute amicably.

8. Non-applicant No.2 present in the Court hall stated that she has amicably resolved the dispute between her and the applicant. She stated that she has voluntarily filed the affidavit stating in it that she has no objection if proceedings lodged against the applicant by her is quashed on a condition that the applicant shall not cause any problem to her in future and to maintain good relations in the school they are settling the matter amicably.

9. In this view of the matter, since we find that this is a fit case wherein continuation of proceedings initiated against the applicant needs to be quashed, we pass following order:

ORDER

(1) The criminal application is allowed.

(2) First Information Report No.552/2021 registered with Mahagaon Police Station, Yavatmal for offences punishable under Sections 354, 323, and 506 of the Indian Penal Code is hereby quashed.

Rule is made absolute in aforesaid terms.

JUDGE

JUDGE

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by BHUSHAN
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