

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1857 OF 2020

Suresh s/o Kerba Gawali

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. R. Kedar, Advocate for the applicant.

Mr. S. D. Ghayal, APP for the State.

Mr. C. A. Shingare, Advocate holding for Mr. V. B. Dhage, Advocate for respondent No. 2.

**CORAM : SMT. ANUJA PRABHUDESSAI &
R. M. JOSHI, JJ.**

DATE : 10th FEBRUARY, 2023.

PER COURT :

1. By consent, heard finally at the stage of admission.
2. At the outset, learned counsel for the applicant seeks leave to amend the prayer clause as to incorporate SCC No. 334/2021.
3. Leave granted. Amendment to be carried out forthwith.
4. This is an application under Section 482 of the Code of Criminal Procedure to quash bearing Crime No. 74/2020 registered

with Dharur Police Station, Dist. Beed and SCC No. 334/2020 pending on the file of learned Judicial Magistrate First Class, Dharur for the offences punishable under Sections 295A, 505(2) and 188 of the Indian Penal Code.

5. The aforesaid crime was registered pursuant to the First Information Report lodged by respondent No. 2. It is alleged that on 3rd April, 2020, applicant herein forwarded a message on WhatsApp group making some statement against Muslim community. It is alleged by respondent No. 2 that such message was forwarded with intention to create a rift between the two communities and with malicious intention of insulting their religious beliefs. On the basis of said allegations, the aforesaid crime came to be registered.

6. Learned counsel for applicant and respondent No. 2 state that the matter has been amicably settled. Respondent No. 2 has filed an affidavit wherein he has stated that the First Information Report came to be lodged due to mis-understanding. He states that he and the applicant are good friends and their relations are cordial. He has further stated that since the applicant did not have any

intention to hurt or insult religious sentiments, he does not wish to prosecute the matter.

7. The record reveals that the applicant herein had only forwarded the message on the WhatsApp group. Learned APP states that investigating agency has not verified as to who is the author of the said message. He also concedes that apart from the complainant no other person has come forward to state that his religious beliefs were hurt by such post. Considering the facts and circumstances and particularly the statement made by respondent No. 2 that he has no objection to quash the First Information Report, we are of the view that this would be a fit case to exercise powers under Section 482 of the Code of Criminal Procedure and quash the proceedings to secure the ends of justice.

8. In the circumstances, the application is allowed in terms of prayer clauses 'A' and 'B'. First Information Report bearing Crime No. 74/2020 registered with Dharur Police Station, Dist. Beed, and SCC No. 334/2021 pending on the file of Judicial Magistrate First Class, Dharur, for the offences punishable under Sections 295A, 505(2) and 188 of the Indian Penal Code stand quashed subject to

payment of cost of Rs. 20,000/- by the applicant. The amount of cost be paid to Dattaji Bhale Blood Bank, Aurangabad.

(R. M. JOSHI)
Judge

(SMT. ANUJA PRABHUDESSAI)
Judge

dyb