

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

CRIMINAL APPLICATION NO.2888 OF 2019

- 1) Malhari Ashruba Shinde,
Age 41 years, Occu. Labour work
- 2) Amol Suryabhan Sarwade,
Age 30 years, Occu. Labour work
- 3) Ramesh Achut Sarwade,
Age 24 years, Occu. Labour work
- 4) Shahu Machindra Sarwade,
Age 27 years, Occu. Agri.
- 5) Rajendra Dhanaji Sarwade,
age 47 years, Occu. Agri.
- 6) Lakhan Milind Maske,
Age 25 years, Occu. Nil
- 7) Abhijit Bhimrao Sarwade,
Age 21 years, Occu. Nil,

All R/o Sabla, Tq. Kaij,
District Beed.

... APPLICANTS

VERSUS

- 1) The State of Maharashtra,
through Police Inspector,
Police Station, Kaij,
Tq. Kaij, District Beed
(Copy served on A.P.P.,
High Court, Bench at Aurangabad)
- 2) Ramraje Tukaram Shinde,
Age major, Occu. Agri.
R/o Sabla, Tq. Kaij,
District Beed.

... RESPONDENTS

.....
Mr. H.P. Jadhav, Advocate for applicants

Mr. S.D. Ghayal, A.P.P. for respondent No.1
Mr. A.D. Gade, Advocate for respondent No.2.

.....

WITH

CRIMINAL APPLICATION NO.3704 OF 2019

Rama @ Ramraje s/o Tukaram Shinde,
Age 46 years, Occu. Agriculture,
R/o Sabla, Tq. Kaij, District Beed. ... **APPLICANT**

VERSUS

- 1) The State of Maharashtra,
through Police Station Officer,
Police Station, Kaij,
Tq. Kaij, District Beed
(Copy to be served on
Public Prosecutor, High Court
of Bombay, Bench at Aurangabad)
- 2) Kaikai wo Milind Mhaske,
Age 46 years, Occu. Household,
R/o Sabla, Tq. Kaij,
District Beed. ... **RESPONDENTS**

.....

Mr. A.D. Gade, Advocate for applicant
Mrs. V.N. Patil Jadhav, A.P.P. for respondent No.1
Mr. H.P. Jadhav, Advocate for respondent No.2.

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

DATE : 4th JANUARY, 2023

P.C.:

With the consent of learned counsel for rival
parties, heard finally at the stage of admission.

2. These applications are filed under Section 482 of the Code of Criminal Procedure for quashing First Information Report/ criminal proceedings and counter proceedings registered against the applicants in the respective applications. The applicants in Criminal Application No.2888/2019 have sought to quash First Information Report No.112/2013, registered with Kaij Police Station, District Beed, for the offences punishable under Sections 147, 148, 324, 323, 504, 506 read with Section 149 of the Indian Penal Code and consequential criminal proceedings being R.C.C. No.309/2013, pending on the file of learned Judicial Magistrate, First Class, Kaij, District Beed. Whereas the applicant in Criminal Application No.3704/2019 has sought to quash First Information Report No.115/2013, registered with Kaij Police Station, District Beed, for the offences punishable under Sections 354, 354(A)(i) of the Indian Penal Code and Section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the Atrocities Act) and consequential criminal proceedings being Special Atrocity Case No.17/2013, pending before the learned Special Judge, Ambajogai, District Beed.

3. Crime No.112/2013 was registered pursuant to the First Information Report lodged by the respondent No.2

Ramraje Shinde. The respondent No.2 alleged that, on 29/5/2013, the applicants formed an unlawful assembly and assaulted him by kick blows and stone, whereas the respondent No.2 Kaikai Mhaske in Criminal Application No.3704/2019 lodged the complaint, alleging that, said Ramraje Shinde touched her inappropriately and thereby outraged her modesty.

4. The complainants in the respective crimes have filed affidavits, stating that they have settled the disputes amicably. It is stated that, they hail from the same village and they have cordial relationship with each other since long. It is stated that, both the parties wish to live peacefully and maintain harmonious relationships amongst each other. The complainants in the respective crimes have stated that, the crimes registered against the applicants in the respective applications be quashed.

5. Learned counsel for the respondent No.2 in the respective applications, under instructions, state that, the contents of the affidavits are acceptable to the complainants in the respective crimes. In our view, the settlement is genuine. Considering the nature of allegations and the fact that the parties have settled the dispute amicably, we are of

the view that this is a fit case to exercise jurisdiction under Section 482 of the Code of Criminal Procedure, so as to enable the parties to maintain cordial relationship and lead life peacefully.

6. Hence, both the Criminal Applications are allowed. Consequently, First Information Report No.112/2013, dated 30/5/2013, registered with Kaij Police Station, District Beed and consequential criminal proceedings being R.C.C. No.309/2013, pending on the file of learned Judicial Magistrate, First Class, Kaij, District Beed as well as First Information Report No.115/2013, dated 31/5/2013, registered with Kaij Police Station, District Beed and consequential criminal proceedings being Special Atrocity Case No.17/2013, pending before the learned Special Judge, Ambajogai, District Beed are quashed.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-