

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2740 OF 2022**

Shri. Prabhakar Dhondiba Nirmale

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Viresh Purwant with Ms. Fareha Razvi, Advocate for  
Petitioners.

Mr. S. S. Hulke, APP for Respondent No.1-State.

Mr. Rushikesh Kale, Advocate for Respondent No.2.

**CORAM : A. S. GADKARI AND  
PRAKASH D.NAIK, JJ.**

**DATE : 26<sup>th</sup> APRIL 2023.**

**P.C.:-**

1. Petitioner and Respondent No.2 have prayed that, the charge-sheet arising out of First Information Report registered with Mohol Police Station, Solapur vide C.R. No.107 of 2022, dated 7<sup>th</sup> February 2022 for offences under Sections 354, 354-A, 354-B, 3(2)(va), 3(1)(r), 3(1)(w)(ii) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 may be quashed by consent of respondent No.2.

2. The first informant (Respondent No.2) had alleged that, she is working in Gram Panchayat since last 10 years. On 3<sup>rd</sup> February 2022, the accused hugged her and outraged her modesty. She was abused on her caste. FIR was lodged on 7<sup>th</sup> February 2022. On completing investigation,

charge-sheet is filed.

3. It is submitted that, the parties have settled the dispute. The respondent No.2 has filed Affidavit dated 7<sup>th</sup> April 2022 stating that, the dispute is settled to maintain cordial atmosphere at the work place. The respondent No.2 do not wish to proceed against the accused. She has given her 'no objection' for quashing FIR/C.R. No.107 of 2022 dated 7<sup>th</sup> February 2022. The respondent No.2 was personally present before this Court on the previous date of hearing. Pursuant to filing of charge-sheet, proceedings are numbered as Special Case No.80 of 2022 and pending before the Special Court at Solapur.

4. Learned Advocate for Petitioner has relied upon the decision of the Supreme Court in the case of *Ramawatar Vs. State of Madhya Pradesh*<sup>1</sup> wherein it was observed that, where it appears, offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering the a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact

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1 2021 SCC OnLine SC 966

that the offence is covered under a special statute would not refrain the Supreme Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 of Cr.P.C.

5. The factual matrix of the present case would indicate that, the Respondent No.2 and Petitioner are working in Grampanchayat. They have decided to put an end to the dispute to maintain cordial atmosphere at the work place. Hence, the impugned proceedings can be quashed.

6. Learned Advocate for the Petitioner on instructions submitted that, Petitioner will pay a cost of Rs. 10,000/- to the Central Police Welfare Fund, Mumbai within a period of two weeks from the date of uploading of present order on the official website of the High Court of Bombay. The said Statement is accepted as an undertaking given to this Court.

7. The Petitioner to pay cost of Rs.10,000/- to the Central Police Welfare Fund, Mumbai within two weeks from the date of uploading this Order.

8. The details of the bank account for payment of cost are as under:-

|              |   |                                        |
|--------------|---|----------------------------------------|
| Bank Name    | : | Axis Bank Ltd.                         |
| Branch Name  | : | Worli, Mumbai [M.H.], Mumbai- 400 025. |
| Account Name | : | Central Police Welfare Fund            |
| Account No.  | : | 914010029005759                        |
| IFSC Code    | : | UTIB0000060                            |

9. On depositing the cost of Rs.10,000/- within stipulated period as noted above the Petitioner shall submit the photocopy of receipt of the same in the Registry of this Court.

**ORDER**

(i) Proceedings in Special Case No. 80 of 2022 pending before the Special Court at Solapur arising out of C.R. No.107 of 2022 registered with Mohol Police Station, Solapur are quashed and set aside.

(ii) It is made clear that, if the Petitioner fails to deposit the said cost within stipulated period, present Petition shall stand automatically revived and in that event, the trial Court will proceed with the hearing of said case expeditiously.

(ii) Petition stands disposed off accordingly.

**(PRAKASH D. NAIK, J.)**

**(A. S. GADKARI, J.)**