

ANANT
KRISHNA
NAIK

Digitally signed
by ANANT
KRISHNA NAIK
Date:
2023.10.20
19:28:43
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.792 OF 2022

Sagar Gautam Pawar @ Master & Ors. ..Petitioners
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL WRIT PETITION NO.793 OF 2022**

Yogesh Kundlik Bankari & Ors. ..Petitioners
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Akhilesh Singh i/b. Adv. R. R. Sharma, for the Petitioners in both Petitions.

Ms S. S. Kaushik, APP for the Respondent/State.

Ms Ruchi Singh for the Respondent No.2 in both WPs.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ**

DATED : 18th OCTOBER, 2023

P.C.:

1. Nuisance was suffered by the Respondent No. 2/Complainant who belongs to scheduled tribe category, because of operations of a stone quarry, difference cropped up between the Petitioners and the Respondent No. 2. It is alleged that Petitioners have uttered caste base insulting words, resulting into registration of offence being Crime No 605 of 2021 registered on 28/11/2021 for the an offence punishable u/s. 354-A, 509, 504, 506 r/w. 34 of the IPC and

u/s. 3(2)(va), 3(1)(r), 3(1)(s), 3(1)(w) of Atrocities Act.

2. The parties hereto have arrived at settlement in view of the mediation carried out by the Revenue Officers.

3. The Respondent No. 2/Complainant accordingly has placed on record Consent Affidavit stating that the grievances against the Petitioners in view of the intervention shown by the Revenue Officers are redressed as their issues are effectively attended.

4. As such, the Respondent No. 2/Complainant filed an Affidavit extending consent for quashing.

5. The Respondent No 2, a tribal since unable to understand the english language, we have requested Ms. Kaushik, learned APP to explain the contents of the Affidavit and verify from the Respondent No. 2/Complainant as to whether she agrees to the contents therein.

6. Learned APP upon verification from the Respondent no. 2 submits that the contents of the Affidavit were explained in vernacular language by lawyer to the Respondent No. 2/Complainant and she admits to have executed the Affidavit thereby extending consent for quashing.

7. In the aforesaid background and the law laid down by the Apex Court in the matter of ***Gian Singh vs. State of Punjab***

and Another reported in **(2012) 10 SCC 303** and **Narinder Singh & Ors. Vs State of Punjab & Anr.** reported in **(2014) 6 SCC 466**, no purpose will be served by keeping the present proceedings pending against the Petitioners.

8. That being so, the both the Petitions are allowed in terms of prayer clause (a) subject to payment of cost of Rs.25,000/- to be paid by the each of the Petitioner to **The Children Aid Society (UCO Bank, Account No. - 02370100005612, IFSC Code- UCBA0000237)** within a period of six weeks from today.

9. All the Petitioners shall produce the copy of the receipt of payment of aforementioned cost in the Registry within a period of six weeks from today, failing which the order of quashing the proceedings shall stand recalled.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)