

The State of Maharashtra and anr. ... Respondents

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Dr. Nilesh Pawaskar i/b S. H. Kantharia for the Petitioner.

Mr. S. V. Gavand, APP for the State.

Mr. Taha Khan for Respondent No. 2.

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

DATED : 9 OCTOBER 2023

P.C. :-

The prayer is for quashing of the FIR in Crime No. 252 of 2023 registered on 20 March 2023 for an offence punishable under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The genesis of the offence is an attempt on the part of the petitioner to illegally dispossess the respondent/complainant, who belongs to backward category from the plot owned by her resulting into registration of the offence.

3. The respondent No. 2 has placed on record an affidavit thereby extending consent for quashing of the offence. The respondent, who is physically present in the Court, claims that the contents of the affidavit are explained to her in vernacular i.e., Marathi. It is stated that complaint was lodged out of misunderstanding and they have amicably resolved the issues/ differences.

4. In the aforesaid background, we requested the learned APP to interact with the respondent No. 2 and verify whether consent is voluntary. The respondent No. 2 through APP states that she has voluntarily and out of her own free will extended consent for quashing.

5. Considering the above facts and circumstances, no purpose will be achieved in keeping the prosecution pending against the petitioner particularly when the respondent/complainant has taken a stand not to support the case of the prosecution, as they have amicably settled the differences.

6. The present Petition stands thus allowed in terms of prayer clause (a) subject to payment of cost of Rs. 3 Lakhs by the petitioner

to the Dy. Commissioner (Child Development) and Member Secretary and Try M. S. Child Fund, Bank Name – State Bank of India, Account Number – 11099464354, IFSC Code – SBIN0000454 within a period of six weeks from today and the receipt of payment of cost shall be produced with the Registry within same period, failing which the order of quashing the criminal proceedings shall stand recalled. The Petition is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)