

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3307 OF 2022

Jaywant Baburao Gund

... Petitioner.

Versus

The State of Maharashtra and Anr.

... Respondents.

Mr. Sanjeev P. Kadam with Mr. Prashant P. Patil i/by Mr. Ramdas Hakepatil for the Petitioner.

Mr. K.V. Saste, APP for the Respondent-State.

Mr. Sharad Bhosale for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : June 12, 2023.

ORDER (Per : Sharmila U. Deshmukh, J.):

1. Heard.

2. By the present petition, the Petitioner seeks quashing of the First Information Report (FIR) bearing CR.No.338 of 2022, registered with Vairag Police Station, District Solapur, for the offences punishable under Sections 324, 325, 323, 504, 506, 143, 148, 149 506, 34 of the Indian Penal Code, 1860 and Sections 3(1)(r) and (s) and 3(2)(v-a) of the Scheduled Caste and Scheduled Tribes

(Prevention of Atrocities) Act, 1989, against the Petitioner. During the pendency of the proceeding, the dispute has been amicably settled between the parties and the Respondent No.2 has filed consent affidavit dated 11th April, 2023 extending his consent to the quashing and setting aside of the FIR registered at his instance.

3. During the hearing of the proceedings, a query was raised by this Court as regards the position in law as to whether the offences lodged under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 can be quashed by consent. Learned counsel appearing for the Petitioner has placed reliance on the decision in the case of *Ramawatar vs. State of Madhya Pradesh*, [(2021) 10 S.C.R. 499]. In the case of *Ramawatar* (supra), the Apex Court has held that when the offence in question although covered under the SC/ST Act, is primarily private 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.

4. Considering the decision of the Apex Court, there is no

impediment in quashing of the proceedings under the SC/ST Act in exercise of the powers under Section 482 of the Code of Criminal Procedure, 1973 and Article 226 of the Constitution of India. The Respondent No.2 is present in-person in the Court and has reiterated the contents of the affidavit by extending his consent for the quashing.

5. From the allegations it appears that there was an altercation between the staff of the hospital of the Petitioner and the Respondent No.2 resulting in lodging of the FIR.

6. Considering that the compromise has been entered into between the parties the Petitioner being a medical officer and that the Respondent no.2 has extended his consent for quashing of the petition, we deem it appropriate to quash and set aside the FIR being C.R. No.338 of 2022 registered against the Petitioner.

7. The Writ Petition stands allowed in terms of the prayer clause “(a)”, which reads thus:

“(a) This Hon’ble Court be pleased to issue a writ of mandamus or certiorari or any other appropriate, writ/direction/order in the nature of writ of mandamus

or certiorari under Article 226 of the Constitution of India, 1950 and also u/sec. 482 of Criminal Procedure Code, thereby quash and set aside the F.I.R. bearing C.R. No.338 of 2022 u/sec. 324, 325, 323, 504, 506, 143, 148, 149 of the Indian Penal Code r/w. Section 3(1) (r) and (s) and Section 3(2) (v-a) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, registered at Vairag Police Station, District: Solapur, dated 29.06.2022 against the Petitioner;”

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]