

IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [APL] No. 283/2023.

Suman s/o Shivraj Marpalliwar,
Age 33 years, Occupation – Labour,
resident of Gokulnagar Ward No.23,
Gadchiroli, Tahsil and District
Gadchiroli.

... **APPLICANT.**

VERSUS

1.State of Maharashtra,
through its Police Station Officer,
Police Station Gadchiroli,
District Gadchiroli.

2.Rani Kamal Ahuja,
Age 23, Occupation – Private,
resident of c/o. Biti Paraswani,
Gokul Nagar, Gadchiroli.

... **NON-APPLICANTS.**

Mr. R.R. Vyas, Advocate for the Applicant.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1/State.
Mr.S. Kadam, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND

BHARAT P. DESHPANDE, JJ.

DATE : MARCH 09, 2023.

ORAL JUDGMENT (PER , VINAY JOSHI, J.) :

Heard learned Counsel for the parties. With their consent, the matter is taken up for final disposal.

Admit.

2. This is an application in terms of Section 482 of the Code of Criminal Procedure, seeking to quash the first information report bearing Crime No.438/2022 registered with non-applicant no.1 – Gadchiroli Police Station for the offence punishable under Sections 354, 448 read with Section 34 of the Indian Penal Code.

3. It is informant's case that on the date of incidence, the applicant and co-accused barged into her house and applicant inappropriately touched her, resulting into outraging her modesty, therefore, the report.

4. In order to maintain cordial relations, parties have arrived on an amicable settlement. The informant has filed her affidavit stating that the matter is settled and therefore, she do not wish to

Rgd.

prosecute the criminal case against the applicant. Moreover, the informant has additionally filed a Pursis dated 09.03.2023, stating that in view of the settlement she does not wish to prosecute the matter against the co-accused, who is not before us.

5. The applicant and non-applicant no.2 are present before us, who have been identified by their respective Advocates. On enquiry, non-applicant no.2 has accepted about the settlement and her no objection to quash the first information report against both accused. The allegations are only about outraging modesty against one of the accused, who is applicant. So far as the co-accused is concerned, his role is only of mere presence. The offence cannot be termed as antisocial or heinous. Parties are resident of same area, therefore, settlement would further in making cordial relations. Since the matter is compounded, there is no purpose in continuing with the trial. Though the co-accused is not before us, however, as the matter is settled with the main accused, there is no reason to push the co-accused for trial.

6. In view of above, Criminal Application is allowed and

Rgd.

disposed of. First information report bearing Crime No.438/2022 registered with non-applicant no.1 – Gadchiroli Police Station for the offence punishable under Sections 354, 448 read with Section 34 of the Indian Penal Code is hereby quashed and set aside against both the accused.

JUDGE

JUDGE