

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

CRIMINAL APPLICATION (APL) NO.407 OF 2019

- APPLICANTS** : 1 Hanumant S/o Lakshmanrao Wanode
 (As per Court's order dated 18.07.2022, application filed by the applicant no.1 abates.
- 2 Sou Ujjwala W/o Hanumant Wanode
 Aged about 50 Years, Occupation Business
- 3 Sou Ujjwala W/o Hanumant Wanode
 Aged about 46 Years, Occupation Housewife,
- 3 Hrushikesh S/o Hanumant Wanode
 Aged about 18 Years, Occupation Student
- 4 Namrata D/o Hanumant Wanode Aged about 23 Years, Occupation Student
- Applicants No.1 to 4 R/o Sai Nagar Yerawar Layout, Pimpalgaon Road, Tah.7 Dist. Yavatmal.
- 5 Shraddha D/o Hanumant Wanode Aged about 21 Years, Occupation Student, R/o C/o Kiran Girispunje Dabha (Badnera), Tahsil & District Amravati.

..VERSUS..

- RESPONDENTS** : 1 State of Maharashtra,
 Through Police Station Officer, Police Station Babhulgaon, Tahsil Babhulgaon District Yavatmal.
- 2 Aparna W/o Nilesh Wanode,
 Aged about 27 Years, Occupation – Housewife, R/o Sukali, At Post – Karalgaon, Tahsil-Babhulgaon, Dist. Yavatmal.

Shri P. S. Chawhan, Advocate for the Applicants.
Shri S. S. Doifode, Additional Public Prosecutor for the Non-Applicant No.1/State.
Shri B. H. Tekam, Advocate for the Non-Applicant No.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 30th JANUARY, 2023.

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

. Heard. **Admit.**

2. By consent of the learned Counsel appearing for the parties, this Criminal Application is taken up for final hearing.

3. This is an application under Section 482 of the Code of Criminal Procedure (Cr.P.C.), 1973, seeking to quash the First Information Report (FIR) bearing Crime No.163 of 2019, registered with Babhulgaon Police Station, District Yavatmal, for the offence punishable under Sections 354, 323, 504, 506 and 143 of the Indian Penal Code (IPC), 1860.

4. Non-Applicant No.2 has lodged a report alleging that out of a land dispute, there was a quarrel in which, one of the Applicant Hrushikesh has outraged her modesty whilst

some other Applicants have manhandled witness namely Ujwala, and therefore, the police report. The parties are related to each other. There appears to be a land dispute in between them. Having regard to the close relationship, the parties have settled the dispute out of Court and joint affidavit dated 04.07.2022 has been filed on record. In said affidavit, the informant has stated about the compromise and her desire that she do not wish to prosecute the criminal case on account of settlement. In said incident, sister-in-law of informant namely Seema Gajanan Lambatkar was also injured. Similarly, Seema has also filed an affidavit dated 24.01.2023 stating about the compromise and her non-inclination to prosecute the criminal case.

5. In both the affidavits, reference has been made about the settlement of land dispute. For that reason, they have decided to withdraw the existing report. The parties are close relatives and residing in the same vicinity. The occurrence does not have a far reaching social impact. In order to maintain harmony between the relatives, the matter has been settled. Both informant and injured Seema are

present before Court, who have been identified by their Counsel Shri. Bharat H. Tekam. We have enquired with them about the settlement on which, they understood the contents of respective affidavits and stated that they do not want to prosecute the concerned criminal case.

6. There is no purpose in requiring parties to go on with the trial. Moreover, having regard to the non-inclination of informant and injured Seema to prosecute the criminal case, the chances of conviction are remote and bleak. In the circumstances, we deem it desirable to invoke our inherent jurisdiction and accordingly, we hereby allow the criminal application. The FIR bearing Crime No.163 of 2019, registered with Babhulgaon Police Station, District Yavatmal, for the offence punishable under Sections 354, 323, 504, 506 and 143 of the IPC, is quashed and set aside.

7. The criminal application stands disposed in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

TAMBE