



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

CRIMINAL APPLICATION (APL) NO. 897 OF 2023

Babu Khan @ Sarfaraj alam s/o Mohd. Ashfaq Sheikh
Vs.

State of Maharashtra, Thru. PS Jaripatka, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.N. Hariramani, Advocate for applicant.
Mr. S.M. Ghodeswar, APP for non-applicant No.1.
Mr. R.W. Rawlani, Advocate for non-applicant No.2.

**CORAM : NITIN W. SAMBRE, AND
VALMIKI SA MENEZES, JJ.**

DATE : 11.09.2023.

The applicant is seeking quashing of the FIR registered on 27.02.2022 with Jaripatka Police Station, Nagpur, for an offence punishable under Sections 147, 149, 354-B, 385, 294, 427 and 506 of the Indian Penal Code read with Section 3(1)(e), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It appears that on 28.07.2023, respondent No.2 – complainant physically appeared before this Court and her counsel has placed on

record an affidavit thereby extending consent for quashing of the offence. This Court accordingly posted the matter for response of the respondent No.1/APP.

3. The learned APP submits that considering the nature of the offence alleged, investigation carried out, the applicant should be put to the condition of payment of exemplary cost as the offence is made punishable under the provisions of the Prevention of Atrocities Act.

4. We have considered the law laid down by the Hon'ble Apex Court in the matter of ***Hitesh Verma Vs. The State of Uttarkhand and Ors. (2020) 10 SCC 710 and Swaran Singh and Ors. Vs. State through Standing Counsel & anr. (2008) 8 SCC 435***, an offence punishable under the provisions of the Prevention of Atrocities Act can be said to be compoundable. The facts remains that the offence appears to have been registered out of the political rivalry.

5. In this background, no purpose will be achieved by keeping prosecution pending against the applicant, particularly, having regard to above stand of the complainant. As such, in view of law laid

down by Hon'ble Apex Court the matter of *Gian Singh Vs. State of Punjab and Ors.(2012) 10 SCC 303*, we deem it appropriate to allow the present application in terms of prayer clause (i) as the non-applicant has extended consent for quashing.

6. However, as a condition precedent, we direct that the applicant shall deposit cost of Rs.50,000/- (Rs.Fifty Thousand Only) in the account of **“High Court Gazetted Officers’ Association, Nagpur (SB General) in Union Bank of India, High Court, Civil Lines, Nagpur”**, within a period of **four weeks** from today.

7. If the costs is not deposited within the aforesaid time, the order allowing the application shall stand recalled automatically and the matter will be considered as dismissed.

JUDGE

JUDGE