

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

CRIMINAL APPLICATION (APL) NO. 920/2023

Subhash Keshavdas Bajaj,
Aged 41 yrs, Occ. Service,
R/o. Kasturba Nagar, Galli No.2,
Jaripatka, Nagpur.

... **APPLICANT/**
ACCUSED

VERSUS

1. The State of Maharashtra,
through Police Station Jaripatka,
Nagpur.
2. Sou. Sunita Amit Sonone,
Aged 41 yrs., Occ. Service,
R/o. Gore Apartment, Flat No. 103,
Katol, Nagpur.

... **NON-APPLICANTS**

Mr. R.H. Rawlani, Advocate for applicants.
Mr. S. S. Doifode, APP for non-applicant No.1.
Mr. Mohit Hariraman, Advocate for non-applicant No.2.

CORAM : **VINAY JOSHI AND**
VALMIKI SA MENEZES, JJ.

DATE : 01.08.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

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3. This application seeks to quash First Information Report ('FIR') vide Crime No. 576/2015 registered with Jaripatka Police Station, Nagpur, Dist. Nagpur for the offence punishable under Section 354 of the Indian Penal Code and related-charge-sheet bearing RCC No. 3995/2016 pending on the file of 6th Joint C.J.Jr.D. & JMFC (Special Court of Atrocities on women), Nagpur on account of mutual settlement.

4. The informant lady was serving as Teacher in private government recognized school whilst the applicant is also serving as lab assistant in the same school. It is informant's contention that at the relevant time, the applicant caught hold her hand and thus, outraged her modesty. The police completed investigation and filed final report. The Trial Court has framed charge and examined four witnesses including informant. At this stage, the parties have mutually settled the dispute out of the Court and have applied for discharge.

5. We have taken note that the informant lady gave evidence in the Court and thereafter, the matter has been settled. No doubt,

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the settlement would further cordial relations since both were serving under the same roof. The informant lady has appeared before us and gave her no objection to quash FIR out of settlement. In view of that continuation of prosecution leads to bitterness as well as amounts to abuse of the process of the Court.

6. We have brought to the notice that the matter was investigated by the Police as well as the Trial Court has spent time in recording evidence of four witnesses. At this juncture, learned counsel appearing for the applicant has shown willingness to deposit cost of Rs. 10,000/- for rotating government machinery. In view of peculiar facts of the case and particularly taking into account that both are working in the same school, we are inclined to exercise our inherent powers.

7. In view of above, application is allowed. We hereby quash and set aside 'FIR vide Crime No. 576/2015 registered with Jaripatka Police Station, Dist. Nagpur for the offence punishable under Section 354 of the Indian Penal Code and related criminal case bearing RCC No. 3995/2016 pending on the file of JMFC (Special

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Court of Atrocities on women), Nagpur on account of mutual settlement.

8. The applicant shall deposit cost Rs. 10,000/- to the High Court Bar Association, Nagpur within three days from today.

9. Application stands disposed of in above terms.

10. Put up this matter on 07.08.2023 for compliance.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Gohane