



Judgment

19 apl 1399.23

1

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

CRIMINAL APPLICATION (APL) NO. 1399/2023

Devendra @ Deva s/o Sadashiv
Lanje, Aged about 37 yrs.,
Occ. Business, R/o. Sadak Arjuni,
Tah. Sadak Arjuni, Dist. Gondia.

.....APPLICANT

VERSUS

1. State of Maharashtra,
through the Police Station Officer,
Police Station Duggipar, Tah. Sadak
Arjuni, Dist. Gondia.
2. XYZ, [Crime No.318/2023]
registered with Duggipar Police
Station, Tah. Sadak Arjuni,
Dist. Gondia.

NON-APPLICANTS

Mr. Rajnish Vyas, Advocate for applicant.
Mr. M.J. Khan, APP for non-applicant No.1/State.
Mr. H.M. Bobde, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
M. W. CHANDWANI, JJ.**

DATE : 20.10.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

2

Heard.

2. Admit.

3. This is an application seeking to quash First Information Report ('FIR') vide Crime No. 318/2023 registered with Police Station Duggipar, Tah. Sadak Arjuni, Dist. Gondia for the offence punishable under Sections 354, 354-A of the Indian Penal Code and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 on account of mutual settlement.

4. It is informant's case that her mother was serving as maid servant with the applicant. On the day of occurrence, in place of her mother, she went to the house of the applicant to do household work. She alleges that applicant asked her to massage his legs. After some time, while she was leaving the place by finishing work, applicant closed the door, caught hold her hands and therefore, the report.

5. The informant and her mother have settled the dispute and by appearing before us, shown their non-inclination to go on

3

with the prosecution. Both of them have also filed an affidavit-reply stating about settlement. The learned counsel appearing for the informant would submit that still the informant's mother is serving as maid servant with the applicant and in case the prosecution is continued, she may will lose her job.

6. The offences are of outraging modesty of woman and sexual assault. The alleged offence may attract the punishment which may extend to 5 years of imprisonment. It is not in dispute that for several years, informant's mother was serving as a maid servant in the house of the applicant. It is urged by the informant and her mother to save their source of livelihood. They have settled the matter and do not wish to prosecute the case. It is also expressed that the applicant has apologized for his act and assured for giving good treatment. Undoubtedly, this Court is invested with uncontrolled but self imposed powers to exercise with an object to prevent the abuse of the process of the Court and to secure the ends of justice. There is every possibility of informant and her mother to lose the source of livelihood, if case is continued. Taking a note of these peculiar facts, we deem it appropriate to quash the proceeding

to secure the ends of justice.

7. In view of above, application is allowed. We hereby quash and set aside FIR vide Crime No. 318/2023 registered with Police Station Duggipar, Tah. Sadak Arjuni, Dist. Gondia for the offence punishable under Sections 354, 354-A of the Indian Penal Code and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012 on account of mutual settlement.

8. Application stands disposed of in above terms.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)