



Judgment

apl1490.23

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

CRIMINAL APPLICATION [APL] NO. 1490 OF 2023.

1.Rajesh Dhanraj Chavhan,
Aged about 30 years, Occupation –
Agriculturist,

2.Subhash Kushoba hvhan,
Aged about 48 years,
Occupation – Agriculturist,

3.Dhanraj Kushoba Chavhan,
Aged about 57 years,
Occupation – Agriculturist,

All residents of Panjra, Tahsil
Tirora, District Gondia.

... **APPLICANTS.**

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station Tirora, Tahsil
Tirora, District Gondia.

2.Sau. Runda Hansraj Kobde,
Aged about 45 years, Occupation -
Labour Work, resident of Panjra,
Tahsil Tirora, District Gondia.

... **NON-APPLICANTS.**

Mr. T.U. Tathod, Advocate for Applicants.
Mr. M. Badar, A.P.P. for Non-applicant no.1 - State.
Mr. C.D. Sharma, Advocate for Non-applicant No.2.

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

DATE : NOVEMBER 07, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.** By consent of the learned Counsel appearing for the respective parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the criminal prosecution bearing Regular Criminal Case No.36/2023 pending on the file of Judicial Magistrate First Class, Tirora, District Gondia arising out of Crime No.5/2023 registered with Tirora Police Station, Gondia for the offence punishable under Sections 452, 354-A[1][iii], 354-B, 294, 504, 506 read with Section 34 of the Indian Penal Code, on account of settlement.

3. At the instance of a report dated 04.01.2023 lodged by the informant, the aforesaid crime came to be registered. The informant and applicants are neighbours. On 20.12.2022 around 9.30 p.m., there was a quarrel between the two families. It is alleged that at the relevant time the applicants have manhandled the informant and abused in filthy language. One of the applicant has torn clothes of the informant, thereby outraged her modesty. Informant's daughter and husband arrived on the spot to whom also applicants have assaulted, and therefore, the report.

4. The trial Court has framed charge and recorded evidence of three witnesses. Undoubtedly the informant and her daughter have supported the prosecution case. At this juncture, the parties have amicably settled the dispute. The informant, her daughter and husband are present before the Court and are identified by their Advocate Shri Sharma. All of them have filed affidavits stating about settlement and their no objection to quash the proceeding.

5. The learned Counsel appearing for applicants has placed reliance on the decision of this Court in case of **Sheshrao Makhram**

Jadhav .vrs. State of Maharashtra and another – Criminal Application No.1367/2023 decided on 09.10.2023, to contend that though partial evidence is recorded, this Court is invested with inherent powers to quash the proceeding in befitting cases. Particularly, our attention is invited to paragraph no.27 of the said decision, which reads as under.

“27. Legislature has not limited the powers of this Court as guided by the decisions in case of Narendra Singh and Gian Singh (supra). No limitation is imposed by the statute in exercise of powers. The very purpose of investing uncontrolled self guided powers is to achieve the object of preventing the misuse of the process of the Court, and to secure the ends of justice. These powers are purposefully vested only with higher Courts so that on case to case basis, with a tomb of experience, the Court would exercise it in befitting cases to achieve the ultimate object. It is apparent that acceptance of settlement resulting into quashing would not be at anybody’s detriment, rather it would be in the interest of both parties. Conversely, there is every possibility that the informant and her child probably may not be allowed to stay with her husband. The very purpose and object of the rule of law is to see the well being of society. After all, the law exists to cater the need of society and not to become an obstacle in the life of common man. In the above peculiar facts, we are of the considered view that the case falls in the exceptional category to exercise the

inherent powers to save the matrimonial life of the informant as well as secure the future of a minor child. The inherent powers of the High Court are designed to achieve a salutary public purpose. Our conscience does not permit us to give the upper hand to technicalities over the lives of the people for whom the law is meant. The ends of justice are higher than the ends of mere law though justice has got to be administered according to law made by the legislature.”

6. It is well settled that inherent powers of this Court are invested with a sole object to prevent the abuse of the Court and to secure the ends of justice. We have re-examined the entire material. It reveals from the police papers that both sides are residing in the same vicinity. There was a political rift on account of Sarpanch election. In order to maintain peace and harmony in the vicinity, with the aid and intervention of villagers they have settled the dispute. Not only the informant, but, her husband as well as daughter are also not inclined to go on with the prosecution. Having regard to the above peculiar facts, it would be in the interest of justice to put an end to the matter to maintain peace in two fractions of the village.

7. We have brought to the notice of applicants that due to

the occurrence, the police have investigated the matter, filed charge sheet, as well as the concerned Court has spent considerable time in recording the evidence. At this juncture, learned counsel for applicants submits that applicants would deposit an amount of Rs.20,000/-.

8. In view of above, Criminal Application is allowed and disposed of. We hereby quash Criminal proceedings bearing Regular Criminal Case No.36/2023 pending on the file of Judicial Magistrate First Class, Tirora, District Gondia arising out of Crime No.5/2023 registered with Tirora Police Station, Gondia for the offence punishable under Sections 452, 354-A[1][iii], 354-B, 294, 504, 506 read with Section 34 of the Indian Penal Code.

Applicants to deposit an amount of Rs.20,000/- with the High Court Bar Library, Nagpur within a period of one week. List the matter for reporting compliance on 28.11.2023.

JUDGE

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