

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

CRIMINAL APPLICATION (APL) NO. 1635 OF 2022

Suraj Krishnarao Narwade
Aged 21 years, Occ. Agriculturist
R/o. Mahagaon, Yavatmal

}

... Applicant

Versus

1. State of Maharashtra,
Through Police Station Mahagaon,
Dist. Yavatmal

2. Siddharth Bapurao Kawale
Aged 40 years, Occ. Business,
R/o. Ward No.11, Mahagaon,
Yavatmal

3. Yash Siddharth Kawale
Aged 18 years, Occ. Student,
R/o. Ward No.11, Mahagaon,
Yavatmal

4. Swagat Siddharth Kawale
Aged 17 years, Occ. Student,
Through his natural guardian
Siddharth Bapurao Kawale,
R/o. Ward No.11, Mahagaon,
Yavatmal

}

... Non-applicants

Mr. M.N. Ali, Advocate for applicant.

Ms. Mayuri Deshmukh, APP for respondent No.1.

Mr. Sameer Khan, Advocate for respondent No.2.

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

DATE : 25.01.2023.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of the learned counsel for
the parties.

(2) This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash FIR in Crime No.500/2022, for the offences punishable under Section 323, 324, 506 of the Indian Penal Code read with Section 3(2)(va), 3(1)(s) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is informed that yet charge-sheet has not been framed.

(3) The non-applicant No.2 is the informant, who has lodged the concerned report. It is his case that he was running a hotel at village Mahagaon, District – Yavatmal. On the date of incident, applicant came to hotel, pelted stone, raised quarrel, assaulted informants two sons namely Swagat, Yash and abused them in the name of caste. On the basis of said occurrence, he had lodged report with the concerned police.

(4) The parties have amicably settled the dispute out of Court. Today, informant is present before us. Though his two sons are not present, the informant has filed a pursis stating that his both sons have no objection for quashing the instant FIR. The informant, who is present in Court, has been identified by Shri Khan, Advocate

representing him. Moreover, informant has produced photocopy of PAN Card and Aadhar Card to ascertain his identity. We have enquired with the informant about the settlement, on which he conceded that in order to maintain harmony, the matter is settled, therefore, he do not want to prosecute criminal case against the applicant.

(5) The learned counsel appearing for applicant would submit that though the provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have been invoked, there is no embargo for exercising inherent jurisdiction of this Court in terms of Section 482 of the Code of Criminal Procedure. In support of said contention, reliance is placed on two decisions of this Court in cases of *Ashraf Mohammad Calcattawala & Ors. Vs. The State of Maharashtra & anr.* reported in *2015 ALL MR (Cri.) 1778* and *Shrikrushna Pandurang Tayde and anr. Vs. The State of Maharashtra* reported in *2017 ALL MR (Cri) 4830* to impress that in similar circumstances this Court has quashed the proceeding, despite the charge was under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(6) It appears that parties are residing in a small village

having old acquaintance. In order to maintain harmony and good relations, the matter has been settled at the instance of villagers. Apart from the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the other offence is of causing hurt by a stick. Certainly, it cannot be said that the said offence is grave and of serious nature. One of the object of exercising inherent jurisdiction is to secure the ends of justice. Having regard to overall circumstances, we deem it fit to exercise our discretion as the parties have settled the dispute. Moreover, there is no purpose in continuing the prosecution as the chances of conviction are remote and bleak. In the circumstances, the application is allowed.

(7) FIR in Crime No.500/2022 registered with Police Station Mahagaon, District – Yavatmal, for the offences punishable under Section 323, 324, 506 of the Indian Penal Code read with Section 3(2)(va), 3(1)(s) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is hereby quashed and set aside.

JUDGE

JUDGE

Prity

Signed By:PRITY S GABHANE
Reason:
Location:
Signing Date:01.02.2023 18:29