

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1701 OF 2014**

Tukaram Genbhau Memane

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Prabhakar Jagdale for Petitioner.

Ms. A.A. Takalkar, A.P.P. for Respondent No.1-State.

Mr. Francis A. Caszo for Respondent No.2.

P.S.I. Ms. Monali Bhade, Lonikand Police Station, Pune is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 5th March 2024.****P.C. :**

1) Petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code for quashing of CR No. 05 of 2014, dated 22nd January 2014, registered with Lonikand Police Station, District Pune, under Sections 504, 506 of Indian Penal Code (I.P.C.) and Sections, 3 (1) (X) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (S.C.S.T. Act), with the consent of Respondent No.2, the informant.

1.1) Record indicates that, by an Order dated 9th June 2014, ad-interim relief in terms of prayer Clauses (b) & (c) was granted in favour of the Petitioner.

2) Mr. Jagdale, learned Advocate appearing for Petitioner submitted that, during the pendency of present Petition, the parties herein have settled their disputes and differences amicably and the Respondent No.2 has filed an Affidavit dated 27th February 2024, giving consent for quashing of the crime in-question. He submitted that, even though the provisions of S.C.S.T. Act are applicable, there is no bar under the law to quash the said crime with the consent of the first informant.

2.1) In support of his submissions, learned Advocate for Petitioner has relied upon the decision of the Supreme Court in the case of *Ramawatar Vs. State of Madhya Pradesh, reported in 2021 SCC OnLine SC 966*, wherein it is observed that, where it appears, offence in question, although covered under the S.C.S.T. Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering the prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that, the offence is covered under a special statute would not refrain the Supreme Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 of Cr.P.C..

2.2) He therefore prayed that, the present crime may be quashed with consent of Respondent No.2.

3) Mr. Caszo, learned Advocate appearing for Respondent No.2 submitted that, the Respondent No.2 concedes the fact of filing of Affidavit dated 27th February 2024 by the Respondent No.2. He submitted that, in para No.6 thereof, the Respondent No.2 has given his consent for disposing of the present Petition and quashing of the crime in-question.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 27th February 2024 duly affirmed before a Notary Public and his 'no objection' for quashing of the crime in-question.

4) In view thereof, we are inclined to quash CR No. 05 of 2014, dated 22nd January 2014, registered with Lonikand Police Station, District Pune.

5) As we expressed our opinion for quashing of said CR No. 05 of 2014, dated 22nd January 2014, registered with Lonikand Police Station, District Pune, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the Official website of the High Court Bombay. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioner to pay a cost of Rs.25,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

6.1) Details of the bank account for payment of cost are as under :-

Account Name	:-	Advocates Association of Western India Generation Next.
Account Number	:-	000110110007807.
Bank Name	:-	Bank of India.
Branch Name	:-	Mumbai Main.
IFSC Code	:-	BKID0000001.

6.2) Petitioner to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (A).

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.

9) List the Petition on board on 4th April 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)