



Judgment

apl434.20

1

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

CRIMINAL APPLICATION [APL] No. 434/2020.

1.Rupali Mohan Khanna,
Aged about 42 years, Occupation A.P.P.,

2.Vaishali Mohan Khanna,
Aged about 38 years, Occupation BHMS

Both resident of Vaijinath Nagar,
Back side of Kadriya College,
Near Haji Malang Darga, Chikhli
Road, Buldhana.

... **APPLICANTS.**

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station Buldhana City,
Buldhana, District Buldhana.

2.Bhaurao Ananda Gaikwad,
Aged 75 years, Occupation Retired
Police, resident of Vaijinath Nagar,
Back side of Kadriya College,
Near Haji Malang Darga, Chikhli
Road, Buldhana.

... **NON-APPLICANTS.**

Rgd.

Mr. N.B. Kalwaghe, Advocate for Applicants.
Mr. A.Badar, A.P.P. for Non-applicant No.1.
Mr. V.D. Ruparelia, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND
ABHAY J. MANTRI, JJ.

DATE : OCTOBER 24, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Admit.

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

2. This is an application seeking to quash the first information report bearing Crime No.556/2020 registered with Buldhana City Police Station, Buldhana for the offence punishable under Sections 3[1][r] and 3[1][s] of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, on account of settlement.

Rgd.

3. It is informed that investigation is complete, but, charge sheet has not been filed. It is the case of informant that on the relevant day, date and time, applicants, neighbouring resident, have abused them in the name of caste at public place and therefore, the offence. It is brought to our notice that there was a rival criminal prosecution, which has also been settled today (Criminal Application No.724/2020).

4. Since the parties are neighbouring residents, to maintain peace and harmony, they have settled the dispute. The informant has filed reply stating about the settlement and no objection to quash the proceedings. The informant is present before us and is identified by his Counsel. On our query, the informant has stated that he has no objection if the proceedings are quashed. The learned Counsel for applicants submit that the applicants would deposit an amount of Rs.5000/- towards costs.

5. Though provisions of Special Act have been invoked, however, looking to the nature of accusation and the settlement

Rgd.

between the parties, we are inclined to invoke our inherent powers.

6. In view of that, Criminal Application is allowed and disposed of.

The first information report bearing Crime No.556/2020 registered with Buldhana City Police Station, Buldhana for the offence punishable under Sections 3[1][r] and 3[1][s] of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, is hereby quashed and set aside.

7. Applicants shall deposit an amount of Rs.5,000/- with High Court Bar Library, Nagpur on or before 11.11.2024. The matter be listed for reporting compliance on 12.11.2024.

JUDGE

JUDGE