



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

CRIMINAL APPLICATION (APL) NO. 603 OF 2024

Yogesh s/o Arjun Sonone
Aged about 42 years,
Occ. Agriculturist,
R/o. Shastri Nagar, Vani,
Tahsil – Vani, District – Yavatmal.

}

... Applicant

Versus

1. State of Maharashtra,
Through Police Station Officer,
Police Station Patan,
Tahsil Vani, District – Yavatmal.

}

2. Dr. Smt. Suprabha w/o Pramod
Yadgirwar, Aged about 57 years,
Occ. Professor, R/o. Vyankatesh
Nagar, Yavatmal,
Tahsil & District – Yavatmal.

... Non-applicants

Mr. V.V. Vishwapure, Advocate for applicant.

Ms. Trupti Udeshi, APP for non-applicant No.1.

Mr. A.S. Manohar, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.

DATE : 12.04.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

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

(2) Admit.

(3) This is an application seeking to quash charge-sheet bearing RCC No.82/2023 pending before Judicial Magistrate First Class, Zari – Jamni, District – Yavatmal, arising out of Crime No.204/2023 registered with Police Station Patan, Tahsil – Vani, District – Yavatmal, for the offence punishable under Sections 354, 354-A, 509, 504 and 506 of the Indian Penal Code on account of mutual settlement.

(4) The informant and applicant are having agricultural lands adjacent to each other. There was a boundary dispute between the parties. It is the informant's case that on 02.08.2023 around 3:30 p.m., the applicant came to her land, caught hold her hand, abused and thus, outraged her modesty hence, the report.

(5) Since the parties are neighbouring residents, with the intervention of villagers they have settled the dispute. The applicant has also filed one report against informant's husband which was came to be settled. In said proceeding, police have filed 'B' Summary but the applicant has not filed protest petition. The informant lady is present before us, who is identified by her Advocate. The informant has filed reply-cum-affidavit stating about settlement and her no objection to quash the proceeding. It appears that out of

boundary dispute there were differences in between the neighbours. In order to maintain the peace and harmony, the parties have settled the dispute. The offence cannot be termed as heinous or anti-social. In the circumstances, continuation of prosecution amounts to abuse of process of the Court. The applicant expressed his willingness to deposit Rs.10,000/- towards cost.

(6) In view of above, the application is allowed. We hereby quash and set aside charge-sheet bearing RCC No.82/2023 pending before Judicial Magistrate First Class, Zari – Jamni, District – Yavatmal, arising out of Crime No.204/2023 registered with Police Station Patan, Tahsil – Vani, District – Yavatmal, for the offence punishable under Sections 354, 354-A, 509, 504 and 506 of the Indian Penal Code.

(7) The applicant shall deposit Rs.10,000/- within one week with High Court Bar Association, Nagpur.

(8) The matter be listed on **25.04.2024** for noting compliance.

[VRUSHALI V. JOSHI, J.]
Prity

[VINAY JOSHI, J.]