



Judgment

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

CRIMINAL APPLICATION (APL) NO. 668/2024

Devendra s/o Tulshiram Sapate,
aged 45 yrs., Occ. Service,
R/o. Sharda Colony, Khel Road,
Bramhapuri, Tq. Bramhapuri,
Dist. Chandrapur.

... **APPLICANT**

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
P.S. Bramhapuri, Tq. Bramhapuri,
Dist. Chandrapur.
2. Ku. Smita Govindrao Jivtode,
Aged about 32 yrs., Occ Service,
R/o. Waghmare Layout, Parsodi,
Umred Tah. Umred, Dist. Nagpur.

...**NON-APPLICANTS**

Mr. D.V. Mahajan, Advocate Applicant.
Mr. S. Bissa, APP for non-applicant No.1.
Mr. Shankar Borkute, Advocate for non-applicant No.2.

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

DATE : 24.04.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

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Heard.

2. Admit.

3. This is an application seeking to quash RCC No.100/2019 (Charge-sheet No.56/2019) pending on the file of the learned Judicial Magistrate First Class, Bhramhapuri arising out of crime No. 282/2019 registered with Police Station Bhramhapuri, Taluka Brmhapuri, District Chandrapur for the offence punishable under Sections 452, 294, 504, 506 of the Indian Penal Code on account of mutual settlement.

4. Initially, the same applicant has applied to this Court vide Criminal Application (APL) No. 817/2019 seeking to quash charge-sheet. This Court has considered the matter on merits and vide order dated 20.11.2019 has partially quashed the charge-sheet as regards to the offence punishable under Sections 354-A(1) of the Indian Penal Code, Section 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In the result, the prosecution remained to the extent of Sections 452, 294, 504, 506 of the Indian Penal Code. The Trial Court has framed charges and two witnesses were examined as stated by the learned

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counsel appearing for applicant. At this juncture, the parties have settled the dispute out of the Court rather there were total three criminal cases are pending between the parties which they have settled by entering into compromise.

5. It is informant's case that the applicant has one sided love with her. When the marriage of informant was fixed elsewhere, the applicant threatened her as well as outraged her modesty. The informant belongs to the scheduled tribe category. Considering the career and future, both the parties have settled the dispute with the aid and intervention of friends and relatives. The informant has memorandum of understanding and also filed separate affidavit stating about settlement and her no objection to quash the proceedings. The informant is present before us who has been identified by her Advocate Mr. Borkute. The informant gave her no objection before us to quash the proceeding.

6. Several criminal cases were pending between the parties which were amicably settled. It was a private affair arose out of love relationship. The offence cannot be termed as heinous or anti-social, therefore we deem it appropriate to invoke our inherent powers.

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Since, the trial has already been progressed, the applicant expressed his willingness to deposit sum of Rs. 10,000/- towards cost.

7. In view of above, application is allowed. We hereby quash and set aside criminal prosecution namely RCC No.100/2019 (Charge-sheet No.56/2019) pending on the file of the learned Judicial Magistrate First Class, Bhramhapuri arising out of crime No. 282/2019 registered with Police Station Bhramhapuri, Taluka Brmhapuri, District Chandrapur for the offence punishable under Sections 452, 294, 504, 506 of the Indian Penal Code on account of mutual settlement.

8. Application stands disposed of in above terms.

9. The applicant shall deposit Rs. 10,000/- towards cost to the High Court Bar Association, Nagpur within two weeks from today.

10. Stand over to 08.05.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)