



Judgment

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

CRIMINAL APPLICATION [APL] No. 724/2020.

1.Bhaurao Ananda Gaikwad,
Aged 76 years, Occupation -Retired
Policemen, resident of Vaijinath Nagar,
Buldhana, Tq. And District Buldhana.

2.Annapurna Bhaurao Gaikwad,
Aged 68 years, Occupation -Household
resident of Vaijinath Nagar,
Buldhana, Tq. And District Buldhana.

3.Sudhakar Bhaurao Gaikwad,
Aged 37 years, Occupation - Police
Constable at Central Railway, Mumbai
and permanent resident of
Buldhana, Tq. And District Buldhana.

4.Sunil Bhaurao Gaikwad,
Aged 45 years, Occupation – Driver,

5.Savita Sunil Gaikwad,
Aged 40 years, Occupation Housewife,

6.Sadanand Bhaurao Gaikwad,
Aged 40 years, Occupation Service.

7.Rekha Gajanan Bangar,
Aged 42 years, Occupation Housewife.,

Rgd.

8. Gajanan Shankar Bangar,
Aged 47 years, Occupation Service,

Applicant No.4 and 8 residing at
Vaijinath Nagar, Buldhana,
Tq. And District Buldhana.

9.Kishor Baburao Dabhade,
Aged 48 years, Occupation Service,
residing at Police Colony, Buldhana
Tq. and District Buldhana.

... **APPLICANTS.**

VERSUS

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

2.Rupali Mohan Khanna,
Aged about 42 years, Occupation Assistant
Public Prosecutor, resident of Vaijinath Nagar,
Back side of Kadriya College,
Near Haji Malang Darga, Chikhli
Road, Buldhana, Tq. And District
Buldhana. .

... **NON-APPLICANTS.**

Mr. V.D. Ruparelia, Advocate for Applicants.
Mr. A.Badar, A.P.P. for Non-applicant No.1.
Mr. N.B. Kalwaghe, 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.557/2020 registered with Buldhana City Police Station, Buldhana for the offence punishable under Sections 307, 376, 511, 452, 354, 354-A, 354-B, 294, 323, 506, 143, 147, 149 of the Indian Penal Code, on account of settlement.

3. It is informed that investigation is complete, but, charge sheet has not been filed because of interim order of this Court. On the basis of a report lodged by the informant/ lady aged 42 years, the

Rgd.

aforesaid crime came to be registered. The parties are neighbouring residents. The informant has made several allegations as to how applicants used to harass her on and often. Particularly it is alleged that on 05.07.2020 all applicants threatened, manhandled and raised quarrel. At the relevant time some of the accused had torn her clothes and thereby outraged her modesty. Moreover, some applicants/accused have tried to press her neck, and therefore, the aforesaid offence.

4. The parties being neighbouring residents, to maintain peace and harmony have settled the dispute in entirety. It is brought to our notice that applicant no.1 has also filed a rival complaint in which also today parties are seeking to quash the prosecution, vide Criminal Application No.434/2020. The informant has filed reply stating about the settlement and her no objection to quash the proceeding. The informant is personally present before the Court and is identified by her Advocate. On query, she stated about the settlement and no objection to quash the proceeding.

5. Though there are several allegations about repeated harassment and outraging of modesty of a woman, the grave charge is of attempt to commit murder. We are quite aware that the offence punishable under Section 307 of the Code, is serious one. However, the mode and manner of the occurrence is required to take into consideration. Apparently, neither any weapon was used, nor injury has been caused to the informant. The allegation is about pressing neck. The circumstances reveal that applicants who are 9 in number, most of them are male, thus they could have achieved the target if intended to kill. It reveals that it was a bitter dispute between the neighbours, which took an ugly turn. Till date the parties are residing in the neighbourhood. In the circumstances, quashing of the prosecution on the basis of settlement would further to maintain cordial relations and it would secure the ends of justice.

6. Learned A.P.P. has submitted that entire investigation is complete and charge sheet is ready of which he has shown copy of the

same. At this juncture, the learned Counsel for applicants would submit that applicants would deposit sum of Rs.50,000/- towards costs.

7. In view of above, Criminal Application is allowed and disposed of.

The first information report bearing Crime No.557/2020 registered with Buldhana City Police Station, Buldhana for the offence punishable under Sections 307, 376, 511, 452, 354, 354-A, 354-B, 294, 323, 506, 143, 147, 149 of the Indian Penal Code, is hereby quashed and set aside.

8. Applicants shall deposit an amount of Rs.50,000/- 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