



Judgment

1 apl 409.17

1

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

CRIMINAL APPLICATION (APL) NO. 409/2017

Shri Parasram s/o. Gyaniram Katre,
aged about 60 yrs., Occ. Agriculturist
and Chairman, Education and Health
Committee, Z.P. Gondia,
R/o. At Post, Hirdamali, Tah. Goregaon,
Dist. Gondia.

... **APPLICANT**

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Gondia (rural),
Dist. Gondia.
2. Mrs. Sunita w/o Sudhakar Madavi,
aged about 55 yrs., R/o. Wadegaon,
Tah. Tirora, Dist. Gondia.

... **NON-APPLICANTS**

Mr. R.M. Daga, Advocate for the applicant.
Mr. B.M. Lonare, Additional Public Prosecutor (APP) for non-
applicant No.1.
Mr. J.K. Matala, Advocate for non-applicant No.2.

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

DATE : 29.04.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2

2. **Admit.**

3. This is an application seeking to quash First Information Report ('FIR') vide crime No. 127/2017 registered with Police Station Gondia (rural) for the offence punishable under Sections 324 of the Indian Penal Code, Section 3(1)(r)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on account of mutual settlement.

4. The informant lady is a member of Zilla Parishad, Wadegaon whilst the applicant is a Chairman of Education and Health Committee, Zilla Parishad, Gondia. It is alleged that on 03.04.2017 in the committee meeting, there was altercation, in which the applicant has thrown a glass of water on the person of informant causing injury to her finger and also abused in the name of caste. On the basis of report, the crime has been registered.

5. Since both belongs to the same village and connected with Zilla Parishad, the matter has been amicably settled. They have filed a joint affidavit stating about settlement. Particularly, the informant has stated that due to the settlement, she has no objection to quash the proceeding. The informant is present before us who has been

3

identified by her Advocate Mr. Matale. The informant gave her no objection to quash the proceeding.

6. The incident appears to have occurred on the spur of moment. The offence cannot be termed as heinous or anti-social. In order to maintain peace, the parties have amicably settled the dispute. In the circumstances, continuation of prosecution amounts to abuse of the process of the Court. The applicant has shown willingness to deposit Rs. 10,000/- towards costs.

7. In view of above, applications stands allowed. We hereby quash and set aside FIR vide crime No. 127/2017 registered with Police Station Gondia (rural) for the offence punishable under Section 324 of the Indian Penal Code, Section 3(1)(r)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on mutual settlement.

8. The applicant shall deposit Rs. 10,000/- in the High Court Bar Association, Nagpur from today within a week.

9. Stand over to 06.05.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)