



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

CRIMINAL APPLICATION (APL) NO.455 OF 2020

- 1) Sachin Ramesh Sawarkar
Age: 42 years, Occupation: Architect
- 2) Namarata Sachin Sawarkar
Age: 36 years, Occupation: Assistant
Town Planner, JDR
- 3) Ramesh Sawarkar s/o Baliram Sawarkar
Age: 75 years, Occupation:
Retired Architect
All r/o Shardanagar, Badnera Road
District: Amravati.

.... Applicant(s)

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- 1) The State of Maharashtra,
Through Police Station Officer of
Police Station, Frezarpura, District :
Amravati.
- 2) Gopal Sitaram Masram,
Age : 50 years R/o Mahajanpura,
Kolhapuri Gate, District : Amravati.

.... Non-applicant(s)

**WITH
CRIMINAL APPLICATION (APL) NO.750 OF 2020**

- 1) Nitin S/o. Vithalrao Bhatkar,
Aged about 40 Years,
Occupation:-Agriculturist/Business

R/o. Gadge Nagar, Near Poonam
Photo Studio, Amravati.

- 2) Mangesh @ Pappu Madhukarrao Patil,
Aged about 48 Years,
Occupation:-Agriculturist
R/o. Dr Punjabrao Deshmukh
Colony, Kathora Naka, Amravati.

.... Applicant(s)

// VERSUS //

- 1) State of Maharashtra,
Through Police Station Frezarpura
Through his Police Station Officer,
District Amravati.
- 2) Sachin S/o. Ramesh Sawarkar,
Aged about 42 Years,
Occupation:-Architect,
R/o. Sharda Nagar, Badnera Road
Taluka and District Amravati.

.... Non-applicant(s)

Mr. P.R. Agrawal, Advocate for the applicant/s in APL No.455 of 2020 and
non-applicant No.2 in APL No.750 of 2020

Mr. Anup Badar, AGP for the non-applicant No.1/State

Mr. S.S. Shingane, Advocate for the applicants in APL No.750 of 2020 and
non-applicant No.2 in APL No.455 of 2020

**CORAM : SMT. VIBHA KANKANWADI
& MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 05.07.2024.

ORAL JUDGMENT : (PER : SMT. VIBHA KANKANWADI, J)

1. Heard Mr. P.R. Agrawal and Mr. S.S. Shingane, learned Advocates for the respective applicants as well as learned APP for the State.

2. **Admit.**

3. The APL No.455 of 2020 has been filed under Section 482 of the CrPC for quashing the cross FIR vide C.R. No.776 of 2020 registered with Frezarpura Police Station, District Amravati for the offences punishable under Section 454, 380, 427 of the IPC and under Section 3(1)(r) & (s) of the Schedule Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Atrocities Act”).

4. The non-applicant No.2/the original informant has filed affidavit-in-reply in APL No.455 of 2020, stating that mutual settlement has arrived at between him and the accused persons, who have filed this application. It is submitted on his behalf that though on the earlier occasion the non-applicant No.2 had objected the application, however, the matter progressed further. It

is further submitted that a civil dispute is pending in respect of the immovable property, wherein a sole Arbitrator has been appointed by this Court vide order dated 29.11.2021 passed in MCA (Arbitration) No.350 of 2021. Therefore, in view of this fact, he has no objection for quashing the FIR and the charge-sheet, if any, filed.

5. It will not be out of place to mention herein that since the offence was also under Atrocities Act, we wanted to ensure as to whether, as per the Scheme in the Act and the Rules under the Government Notification, the non-applicant No.2 has received any compensation from the Government. By taking the compensation from the Government, then it will not be appropriate to allow compromise to take place. Upon inquiry, the non-applicant No.2 has again filed another affidavit, stating that he has not received any compensation. This fact was also got confirmed through learned APP. It was initially informed that first installment of Rs.25,000/- was sanctioned by the learned Collector, Amravati vide Order dated 09.10.2022, however, the non-applicant No.2 had refused to accept

the same and therefore, it was not given. By another communication, it has been informed that the said amount of Rs.25,000/- was then disbursed to other beneficiaries.

6. The fact to be noted is that the incident is alleged to have taken place in the form house, where the CCTV system has been damaged, so also there was damage to the property as alleged and thereafter, when the non-applicant No.2 had objected, it is alleged that he was abused/insulted in the name of his caste. But now there is an amicable settlement and therefore, there is no hurdle in allowing the compromise to take place and thereby to quash the FIR and the charge-sheet, if any, filed.

7. As regards to the APL No.750 of 2020 is concerned, it challenges the FIR vide C.R. No.775 of 2020 registered with Frezarpura Police Station, District Amravati for the offences punishable under Section 354, 294, 323, 506 read with Section 34 of the IPC and by way of amendment, the applicants are also praying for quashing the charge-sheet, bearing No.239 of 2020 dated 09.11.2020 pending before the learned Judicial Magistrate

First Class, Amravati. Here also, the non-applicant No.2 has filed an affidavit, stating the same thing and specifically that since the mutual agreement has arrived at, he has no objection for quashing the FIR and the charge-sheet. Accordingly, we pass the following order:

(i) In view of the settlement, both the applications stand **allowed.**

(ii) The FIR vide C.R. No.776 of 2020 registered with Frezarpura Police Station, District Amravati against the applicants namely Sachin Ramesh Sawarkar, Namrata Sachin Sawarkar and Ramesh Sawarkar s/o Baliram Sawarkar for the offences punishable under Section 454, 380, 427 of the IPC and under Sections 3(1)(r) & 3(1)(s) of the Atrocities Act, stands quashed and set aside. Charge-sheet, if any, filed in pursuant to the said Crime No.776 of 2020 registered with Frezarpura Police Station, District Amravati, is also quashed and set aside.

(iii) The applicants in APL No.455 of 2020 to deposit cost of Rs.30,000/- with the High Court Legal Services

Sub-Committee, Nagpur within a period of one month from today.

(iv) The FIR vide C.R. No.775 of 2020 registered with Frezarpura Police Station, District Amravati against the applicants namely Nitin S/o. Vithalrao Bhatkar and Mangesh @ Pappu Madhukarrao Patil for the offences punishable under Section 354, 294, 323, 506 read with Section 34 of the IPC and the charge-sheet, bearing No.239 of 2020 dated 09.11.2020, pending before the learned Judicial Magistrate First Class, Amravati, stand quashed and set aside.

8. The applicants in APL No.750 of 2020 to deposit cost of Rs.20,000/- with the High Court Legal Services Sub-Committee, Nagpur within a period of one month from today.

[MRS. VRUSHALI V. JOSHI, J]

[SMT. VIBHA KANKANWADI, J]