



Judgment

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

CRIMINAL APPLICATION [APL] No. 1609/2023.

Sanjaykumar s/o Ratanlal Agrawal @
Sanjaykumar s/o Devendra Agrawal,
Aged about 48 years, Occupation – Business,
resident of Daga Saffire, Camp Amravati,
Taluq and District Amravati. ... **APPLICANT.**

VERSUS

1.State of Maharashtra,
through Police Station Officer
Police Station Frezarpura, Amravati
Taluq and District Amravati.

2.Samir s/o Sanjay Warthe,
Aged about 22 years, Occupation – Labour
resident of Dastur Nagar, Amravati,
Taluq and District Amravati.
Mob.9359743632. ... **NON-APPLICANTS.**

Mr. P.R. Agrawal, Advocate for the Applicant.
Mr. S.V. Narale, A.P.P. for Non-applicant No.1 – State.
Mr. A.S. Ambatkar, Advocate for Non-applicant No.2.

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

DATE : MARCH 14, 2024.

Rgd.

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 charge sheet registered as Special Case No.360/2022 arising out of first information report bearing Crime No.483/2022 registered with Frezarpura Police Station, Amravati for the offence punishable under Section 506 of the Indian Penal Code and Sections 3[1][r] and 3[1][s] of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on account of mutual settlement.

3. It is informant's case that he was employee of one Anil Agrawal. Applicant Sanjay Agrawal is cousin brother of Anil and both brothers were in rival terms. It is the contention of the informant that on 19.05.2022, around 7 p.m. the applicant knowingly abused him in the name of caste on public road and gave threats, therefore, the offence.

Rgd.

4. Though initially this application has been filed for quashing of the prosecution on merits, however, in the meantime the dispute has been amicably settled. The informant has filed an affidavit-cum-reply stating about the settlement and no objection to quash the entire prosecution. The informant is present before us and is identified by his Advocate Shri Ambatkar. On our query, the informant accepted the settlement and gave his no objection to quash the proceeding. It is submitted that the informant is not inclined to go on with the prosecution to maintain the cordial relationship.

5. Though the prosecution is under Special Act, we see no limitation on our inherent powers. Since the dispute is settled one can foresee that there are every chances that during trial the informant may not support the prosecution case. In above scenario, continuation of prosecution would be an exercise in futility. The learned Counsel for the applicant has also expressed his willingness to deposit an amount of Rs.15,000/- towards costs.

6. In view of above, we deem it fit to invoke our inherent powers, and proceed to pass the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The Charge Sheet registered as Special Case No.360/2022 pending on the file of District Judge-2 and Additional Sessions Judge, Amravati arising out of first information report bearing Crime No.483/2022 registered with Frezarpura Police Station, Amravati for the offence punishable under Section 506 of the Indian Penal Code and Sections 3[1][r] and 3[1][s] of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is hereby quashed and set aside.
- (iii) The applicant shall deposit an amount of Rs.15,000/- with the Government Pleader Library, High Court, Nagpur by 28.03.2024. List the matter for reporting compliance on 01.04.2024.

JUDGE

JUDGE