



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

CRIMINAL APPLICATION (APL) NO. 1277 OF 2024

1. Dnyaneshwar s/o. Shaligram Ingle,
Aged about 34 years,
Occupation : Agriculturist.

2. Umesh s/o. Vinayak Ingle,
Aged about 27 years,
Occupation : Agriculturist.

3. Sunil s/o. Sahebrao Ingle,
Aged about 45 years,
Occupation : Agriculturist,

All the applicants are R/o. Chandhai,
Tah. Chikhli, Dist. Buldhana.

... APPLICANTS

...VERSUS...

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Chikhli, Tah. Chikhli,
Dist. Buldhana.

2. XYZ/Informant,
In Crime No.401/2024,
Police Station Chikhli, Tah. Chikhli,
Dist. Buldhana.

...NON-APPLICANTS

Mr. N. B. Kalwaghe, Advocate for Applicants.

Mr. A. B. Badar, A.P.P. for Non-applicant/State.

Mr. A. A. Zade, Advocate h/f. Mr. Anup Gilda, Advocate for Non-applicant
No.2.

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

DATED :- **19.09.2024**

ORAL JUDGMENT (PER : VINAY JOSHI, J.):

1. Heard.
2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.
3. This is an application seeking to quash First Information Report vide Crime No.401/2024 registered with Police Station Chikhli, District Buldhana for the offences punishable under Sections 354, 354-B read with Section 34 of the Indian Penal Code, Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on account of settlement.
4. It is the informant's case that on 25.05.2024, the accused accosted her daughter in a public place, took her to a nearby field, touched her in an inappropriate manner, thereby outraged her modesty, therefore, the report. The parties are resident of the same village. A counter First Information Report has been lodged by the wife of the applicant No.3 Sunil alleging the offence of criminal trespass and outraging her modesty against the father of the victim. Since the parties are resident of same village, in order to maintain cordial relations, they have settled the dispute out of the Court. The informant has filed reply-cum-affidavit stating about settlement and her no objection to quash the proceedings. The informant appeared in the

Court and reaffirmed the contents of the reply.

5. The learned Counsel for the applicants would submit that the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Protection of Children from Sexual Offences Act, 2012 have been invoked, however, the Court is not precluded in exercising the inherent powers in peculiar facts of the case. In this regard, reliance is placed on the decision of this Court in the cases of ***Sabir Firoj Garave and Anr. Vs. The State of Maharashtra and Anr. [Criminal Application (APL) No.51/2024]*** and ***Sudhir S/o. Vijay Jadhav and Anr. Vs. The State of Maharashtra and Anr. [Criminal Application (APL) No.1032/2021]***. In both the decisions, having regard to the facts, this Court has quashed the proceedings under special statute. In case at hand, the parties are residing in the same locality, the disputes have been amicably settled to maintain harmony.

6. We have brought to the notice of the parties that due to registration of crime, police have investigated the matter, filed charge sheet and the Court has devoted time in going on with the prosecution. At this juncture, the learned Counsel for applicants makes a statement that the applicants would deposit an amount of Rs. 10,000/- towards costs.

7. The applicants have no criminal antecedents. The alleged offences are not punishable with death or imprisonment for life. Certainly, quashing of

both criminal cases would further the interest of both sides. In above peculiar facts, we are inclined to exercise our inherent powers to secure the ends of justice. Hence the following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) We hereby quash and set aside the First Information Report vide Crime No.401/2024 registered with Police Station Chikhli, District Buldhana for the offences punishable under Sections 354, 354-B read with Section 34 of the Indian Penal Code, Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (iii) The applicants shall deposit sum of Rs.10,000/- towards costs in the account of M/s. High Court Gazetted Officers Association, Nagpur with Union Bank of India, High Court Branch, Civil Lines, Nagpur within two weeks from today.
- (iv) The matter be placed on 04.10.2024 for reporting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)