

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1880 OF 2024

Sujit Sudam Kakade & Ors.

.... Applicants

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Ms. Tanvii Tapkire, Advocate for Applicants.
- Mr. B. V. Holambe-Patil, APP for the State/Respondent.
- Mr. Hrishikesh Ghorpade a/w Mr. Anup Patil i/b. Mr. Siddharth N. Sutaria, Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 03rd FEBRUARY, 2025

P.C. :

1. This is an application for quashing of the FIR registered at Loni Kalbhor Police Station, Pune, vide C.R.No.426/2016 and the further proceedings arising out of the same offence pending before the learned Special Judge, Pune, in Atrocities Special Case No.47 of 2016. The offence is alleged u/s 323, 506, 447 r/w 34 the Indian Penal Code and u/s 3(1)(x), 3(1)(r),(s),(u) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard Ms. Tanvi Tapkire, learned Counsel for the Applicants, Mr. Hrishikesh Ghorpade, learned counsel for the Respondent No.2 and Mr. B. V. Holambe-Patil, learned APP for the State.
3. Learned counsel for both the parties informed the Court that in this case, the charges are already framed. They submitted that during the pendency of the proceedings, the parties have settled the matter. The disputes do not survive and the complainant is willing to settle the matter. He has no objection for quashing of the proceedings. The informant/Respondent No.2 has tendered his affidavit-in-reply giving consent for quashing of these proceedings. Both the learned counsel relied on the order passed by a Division Bench of this Court on 13/11/2024 in ***Criminal Application No.978 of 2024 in the case of Rushik Rajendra Shah & Ors. Vs. Ruchika Rushik Shah & Anr.*** to contend that in a given case even after framing of the charges, the proceedings can be quashed.
4. We have considered the submissions advanced by both

the learned counsel. The FIR is lodged by the Respondent No.2 in respect of the incident dated 27/05/2016. All the Applicants came in front of the informant's house and asked the informant to meet them outside the farmhouse. There are allegations that the Applicants told the informant that the Court decision was in the Applicants' favour and that the informant should stop the ongoing work in the farmhouse. It is further alleged that the Applicant No.1 Sujit slapped the informant. The Applicant No.2 Dattatraya threatened him. It is alleged that Sujit uttered derogatory words in respect of the informant's caste. All of them threatened the informant and then left. On this basis, the FIR is lodged.

5. The investigation was carried out. There are statements of eyewitnesses Uday Patil and Shyam Chavan. After the investigation was over, the case was pending before the Special Court. Now the matter is settled between the parties. The Respondent No.2 has filed consent affidavit in which he has stated that, to maintain social harmony of the village; they have amicably decided not to pursue the matter in future. Both the

parties are residents of the same village. The informant has further added that he is suffering from medical ailments and therefore he is not mentally ready to go through the process of the Trial. He has specifically given consent for quashing of the FIR and subsequent proceedings arising out of the same.

6. As mentioned earlier, in the case of ***Rushik Rajendra Shah*** (supra) a view is taken that in a given case the proceedings can be quashed even after the charges are framed. We find this is a fit case where the application can be allowed and the proceedings can be quashed. However, considering that the informant has suffered since 2016, some compensation will have to be given to the first informant. We are also inclined to impose cost on the Applicants as the police machinery was utilized and the case is pending before the Special Court.

7. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.426/2016 registered with Loni Kalbhor Police Station, Pune and the proceedings arising out of the said FIR

bearing Atrocities Special Case No.47 of 2016, pending before the learned Special Judge, Pune, are quashed and set aside, subject to Applicants paying cost of Rs.25,000/- to the Police Welfare Fund. The details of which are as follows :

- Bank Name : Axis Bank Limited
- Branch Name : Worli, Mumbai (H.H.)
Mumbai-400025
- Account Name : Central Police Welfare Fund
- Account No. : 914010029005759
- IFSC Code : UTIB0000060

- (ii) The Applicants shall also make payment of Rs.25,000/- to the first informant.
- (iii) These payments shall be made within a period of 8 weeks from today.
- (iv) After both the payments are made, the Applicants shall submit receipts before the Registry of this Court within the stipulated period of 8 weeks.
- (v) If such receipts are produced, then there shall be no further reference to the Court. But if they are not so produced, then the matter be listed before

the Court for consideration and in that situation this order is liable to be recalled and the prosecution can be revived.

(vi) With these observations the application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)