



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

Criminal Application (APL) No. 179 of 2021

1. Gopal Ramkrishna Sawke,
Aged about 30 years, Occ. Private
2. Avinash S/o Ramkrishna Sawake,
Aged about 22 years, Occ. Labour
Both R/o Hirangi Tq. Mangrulpir, Dist.
Washim

... Applicants

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer, Police Station
Washim (City), District Washim
2. Varsha Raghunath Gaikwad,
Aged 28 years, R/o Ramalegaon Tamalegaon,
Tah. and District Washim

... Non-applicants

Shri K.S.Malokar, Advocate for the applicant.
Shri G.S.Umale, APP for the non-applicant no. 1/State.
Shri R.J.Shinde, Advocate for the non-applicant no.2.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 15th APRIL, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. In the present case, applicant is seeking to challenge the proceeding pending before the Principal District and Sessions Court,

Washim bearing Atro. Spl. Case No. 715 of 2020 arising out of First Information Report vide crime no. 778 of 2020 and charge-sheet no. 165 of 2020 dated 20th September, 2020 for the offence punishable under Sections 376, 504, 506 read with Section 34 of Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(1)(w)(w)(i), 3(1)(w)(ii) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocity Act), 1989 registered with Police Station Washim (City), District Washim.

3. The applicants approached before this Court challenging the registration of criminal proceeding against him on the ground that applicants have no concerned with the present crime and they have been falsely implicated due to strained relations with the complainant. It is further stated by them that even after the investigation by the police machinery, no substantial material is found against them in the matter and therefore criminal proceedings are liable to be quashed and set aside.

4. During the pendency of the present application, the applicants and non-applicant no.2/complainant filed joint pursis with affidavit dated 8th August, 2024 stating that the matter has been amicably settled between them and according to the said settlement, the applicant

no.1 and non-applicant no.2 has decided to perform marriage. As such for enjoying marital life, the non-applicant no.2 has decided to withdraw all the allegations and prosecution lodged by her against the applicants.

5. Learned Additional Public Prosecutor also placed on record the copy of communication from Sub Divisional Police Officer, Mangrurpir, District Washim dated 31st August, 2024 which is taken on record and marked as Article 'X' for the purpose of identification. As per the said communication, the non-applicant no.2 stated that in view of affidavit filed by her dated 8th August, 2024, she is not willing to prosecute the present applicants for the offence registered against them vide crime no. 778 of 2020 with the Police Station Washim (City).

6. In the present case, non-applicant no.2 is aged about 32 years and well understood the consequences of withdrawal of prosecution and willing to live a happy married life with the applicant no.1. If the present proceedings are kept continue, there are likely chances that non-applicant no.2 would suffer a lot and face the problems in her future life. Therefore, in order to give succor to the non-applicant no.2 so that she should be saved from further agony in the matter, according to us for the

end of justice and to prevent abuse of the process of Court, the amicable settlement deserves to be accepted.

7. Both the learned counsel appearing in the matter has relied upon the judgment of Hon'ble Supreme Court of India in the case of Machhindra Appaji Patil and others Vs. State of Maharashtra and another reported in 2019 SCC Online Bom. 769 and judgment of Co-ordinate Bench of this Court in the case of Nauman Suleman Khan Vs. State of Maharashtra and another reported in 2022 ALL MR (Cri) 4427, wherein this Hon'ble Court by considering the future of prosecutrix had exercised the powers available under Sections 482 of the Code of Criminal Procedure.

8. Considering over all factual as well as legal position, we deem it fit to exercise the powers under Section 482 of the Code of Criminal Procedure to meet the ends of justice in the present matter. Hence, we proceed to pass the following order.

ORDER

i. Criminal application is allowed

ii. Atro. Spl. Case No. 715 of 2020 pending before Principal District and Sessions Court, Washim arising out of First Information Report vide crime no. 778 of 2020 and Charge-Sheet no. 165 of 2020 dated 20th September, 2020 for the offence punishable under Sections 376, 504, 506 read with Section 34 of Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(1)(w)(w)(i), 3(1)(w)(ii) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocity Act), 1989 registered with Police Station Washim (City), District Washim is hereby quashed and set aside against the applicant no.1 **Gopal Ramkrishna Sawke** and applicant no.2 **Avinash S/o Ramkrishna Sawake**.

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]