



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

CRIMINAL APPLICATION (APL) NO.745/2025

Gaurav S/o Manohar Yadgire,
aged about 33 Yrs., Occu. Agriculturist,
R/o Tudgaon, Tah. Telhara,
Distt. Akola.

... Applicant

- Versus -

1. State of Maharashtra,
through its Police Station Officer,
Police Station, Telhara,
Tah. Telhara, Distt. Akola.
2. Madhuri W/o Shivdas Gawande,
aged about 40 Yrs., Occu. Housewife,
R/o Gajanan Nagar, Telhara,
Tah. Telhara, Distt. Akola.

... Non-applicants

Mr. A.M. Tirukh, Advocate for the applicant.
Ms. S.N. Thakur, A.P.P. for non-applicant No.1/State.
Mr. J.M. Gandhi, Advocate with Mr. U.V. Chakravarty, Advocate
for non-applicant No.2.

CORAM: ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 19.6.2025.

JUDGMENT (Per Anil S. Kilor, J.)

Rule. Rule made returnable forthwith. Heard finally
by consent of learned Advocates for the parties.

2. By the present application, the applicant is praying for quashing and setting aside the Charge-sheet No.81/2019 dated 29.8.2019 arising out of F.I.R. No.57/2019 dated 23.2.2019 registered with Police Station Telhara, Tah. Telhara, Distt. Akola for the offence punishable under Sections 354, 354-A, 294, 509, 341, 323 and 506 of the Indian Penal Code.

3. The learned Advocate for the applicant and the learned Advocate for the non-applicant No.2 jointly made a statement that the parties have amicably settled the matter and the non-applicant No.2 does not want to prosecute the applicant. Accordingly, an affidavit to that effect has been placed on record, sworn by the non-applicant No.2. The same is taken on record.

4. The non-applicant No.2 in the affidavit stated that the applicant and she belong to same caste and they are distant relatives of each other. They want to lead a peaceful life and do not want to indulge in court cases and further they decided to bury the dispute and, therefore, they have settled the matter.

5. The complainant is present in the Court and she has been identified by her Advocate and on interaction, she admits the fact of settlement and further she expressed a desire not to prosecute the applicant.

6. In the aforesaid backdrop, considering the fact that the complainant herself does not want to prosecute the applicant as has stated in her affidavit, even if the trial is conducted, it would result in the acquittal of the applicant and no fruitful purpose would be served. In other words, in that eventuality, the whole exercise will be proved as futile. In the circumstances, we are of the opinion that in the light of the judgment in case of Gian Singh V/s State of Panjab and another reported in **2012 (10) SCC 303** the application needs to be allowed.

7. Since the parties have set the law in motion and after lapse of long time they arrived at a settlement, therefore, it is directed that the applicant shall deposit costs of Rs.11,000/- in the

account of Uccha Nyayalay Chaturth Shreni Karmachari Sangh, Nagpur as a condition precedent.

8. Accordingly, the application is allowed in terms of prayer clause (i) which reads as follows:-

“(i) quash and set aside the charge-sheet No.81/2019 dated 29.08.2019 for the offence under Sections 354, 354-A, 294, 509, 341, 323, 506 of Indian Penal Code, 1860 arising out of First Information Report No.57/2019 dated 23.02.2019 registered by the respondent No.1-Police Station, Telhara, Tah. Telhara, District-Akola (Annex.A) as well as the Regular Criminal Case No.148/2019 (State V/s. Gaurav) pending before the learned Judicial Magistrate First Class, Telhara, Tah. Telhara, District Akola which has been registered against the applicant pursuant to the filing of chargesheet No.81/2019, in the interest of justice.”

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)