

(2022) 05 BOM CK 0009

In the Bombay High Court

Case No : Criminal Application (APL) No.362 Of 2022

Janardan

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 02-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 354, 506

Citation : (2022) 05 BOM CK 0009

Hon'ble Judges : V.M.Deshpande, J; Amit B.Borkar, J

Bench : Division Bench

Advocate : P.S.Chawhan, N.B.Kalwaghe, S.M.Ghodeswar

Final Decision : Allowed

Judgement

Amit.B.Borkar, J

1. Heard learned counsel Shri P.S.Chawhan for the applicant, learned counsel Shri N.B.Kalwaghe for non-applicant No.2, and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for respective parties.

2. By this application, under Section 482 of the Code of Criminal Procedure, the applicant challenges First Information Report No.553/2021 registered with Mahagaon Police Station, Yavatmal for offences punishable under Sections 354 and 506 of the Indian Penal Code.

3. Non-applicant No.2 lodged the First Information Report with an accusation that the applicant outraged her modesty.

4. During pendency of investigation, the applicant and non-applicant No.2 have mutually arrived at an amicable settlement.

5. Here, it is to be noted that the wife of the applicant and husband of non-applicant No.2 are working in the same school. Today, this Court in Criminal

Application No.540/2022 has quashed First Information Report, lodged by the wife of the applicant against husband of non-applicant No.2. Allegations in the First Information Report in present application and allegations in First Information Report in the said application are similar in nature.

6. Non-applicant No.2 present in the Court hall stated that she has amicably resolved the dispute between her and the applicant. She stated that she has voluntarily filed the affidavit stating in it that she has no objection if proceedings lodged against the applicant by her is quashed and to maintain good relations in the school they are settling the matter amicably.

7. We have carefully considered the allegation in the First Information Report.

8. In this view of the matter and in view of the fact that First Information Report which has been quashed by this Court today in Criminal Application No.540/2022 in view of amicable settlement arrived at between them and also the fact that parties to the present application have also arrived at an amicable settlement between them, we find that this is a fit case wherein continuation of proceedings initiated against the applicant needs to be quashed. Hence, we pass following order:

ORDER

(1) The criminal application is allowed.

(2) First Information Report No.553/2021 registered with Mahagaon Police Station, Yavatmal for offences punishable under Sections 354 and 506 of the Indian Penal Code is hereby quashed.

Rule is made absolute in aforesaid terms.