

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

**CRIMINAL APPLICATION (APL) No.298 OF 2020**

Shubham Shankarlal Tolwani,  
Age 25 years, Occupation : Business,  
R/o. Vaidya Nagar/Kanwar Nagar,  
Sindhi Camp, Yavatmal,  
Taluka and District Yavatmal. : APPLICANT

...**VERSUS**...

1. The State of Maharashtra,  
Through PSO of PS Awdhutwadi,  
District Yavatmal.
2. Ishwar Cholaram Nachwani,  
Age 47 years, Occupation : Business,  
R/o. Sindhi Colony, Vaidh Nagar,  
Yavatmal, District Yavatmal. : NON-APPLICANTS

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Shri P.W. Mirza, Advocate for Applicant.  
Shri S.S. Doifode, Advocate for Non-applicant No.1.  
Shri R.D. Dharmadhikari, Advocate for Non-applicant No.2.  
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**CORAM : Z.A. Haq and S.M. Modak, JJ.**

**DATE : 21<sup>st</sup> July, 2020.**

**ORAL JUDGMENT : (Per : Z.A. Haq, J.)**

1. Heard Shri P.W. Mirza, learned Advocate for the applicant,  
Shri S.S. Doifode, learned A.P.P. for the non applicant No.1 and Shri  
R.D. Dharmadhikari, learned Advocate for the non-applicant No.2.

2. Rule. Rule made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicant has prayed that the proceedings registered against him as Special (Child) Case No.49/2019 and pending before the Additional Sessions Judge No.1, Yavatmal for offences punishable under Sections 364-A, 342, 347, 212, 201, 120-B, 34 of the Indian Penal Code, Sections 8,12 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 66(k)(d) of the Information Technology Act, 2000 be quashed. According to the applicant (accused) and the non-applicant No.2/informant (father of the victim), the matter is amicably worked out between them.

4. On the earlier date learned A.P.P. had raised an objection that this Court should not show any indulgence at belated stage that is after the filing of the charge-sheet as the Investigating Agency has invested sufficient time in investigation. In view of the objection taken by learned A.P.P., this Court passed order on 10<sup>th</sup> July, 2020 and recorded willingness of the applicant and non-applicant No.2 to deposit Rs.25,000/- each with the Registry of this Court to show the *bona fides*. Accordingly, the applicant and the non-applicant No.2 have deposited the amount by cheque which are said to be issued from the accounts of Advocates representing the applicant and non-applicant No.2. The Advocates appearing for the applicant and non-applicant No.2 assure

that the cheques will be encashed and in case any cheque is dishonoured the concerned Advocate would be responsible to make the payment.

5. Considering the nature of accusations made by the non-applicant No.2, the fact that the victim boy, though minor, was aged about 17 years at the time of the incident and as the parties have amicably worked out the matter and the trial has not yet commenced, we are of the view that no fruitful purpose would be achieved by keeping the trial pending and interests of justice would be sub-served by quashing the proceedings subject to utilising the amount deposited by the applicant and non-applicant No.2 for some appropriate purpose.

6. Hence, following order.

(i) Proceedings of Special (Child) Case No.49/2019 pending before the learned Additional Sessions Judge No.1, Yavatmal against the applicant are quashed.

(ii) Consequently, First Information Report No.901/2019 which was registered against the applicant with the non-applicant No.1/Police Station Awdhutwadi is also quashed.

(iii) After deliberations, learned Advocate for the applicant, learned Advocate for the non-applicant No.2 and learned Additional Public Prosecutor submitted that the amount of Rs.50,000/- deposited with the Registry of this Court be given to the District Bar Association, Nagpur for disbursement to the needy Advocates. Registry

is directed to give the amount of Rs.50,000/- deposited by the applicant No.1 and non-applicant No.2 to the District Bar Association, Nagpur.

(iv) We leave it to the wisdom of the Executive Body of the District Bar Association, Nagpur to utilize the amount. We hope and trust that it would be disbursed to the needy Advocates. We make it clear that this amount will not be utilized by the Bar Association for any other purpose.

Criminal Application is allowed in the above terms.

**JUDGE**

**JUDGE**

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