

MHBU160000862022



Common Order Below Exh. -01 & 30 in S.C.C. No. 20/2022
Baijnath Vs. Somnath & Ors.

Today, the complainant is present along-with his Ld. Adv. S.T. Pradhan. He is identified by his advocate. He filed pursis (Exh.-31) thereby submitted that he settled his dispute with the accused out of the Court and he does not want to proceed with present matter. Perusal of record reveals that the complainant filed present complaint thereby sought to take cognizance against the accused for the offence punishable under Sections 323, 294, 504 & 506 read with Section 34 of the Indian Penal Code. Thereupon, this Court took cognizance and issued process against the accused for the offence punishable under Sections 323, 294, 504 & 506 read with Section 34 of the Indian Penal Code. After that, the matter is pending for recording particular of the accused.

02. Present matter is registered as a summons case. Therefore, I find Section 257 of Cr.P.C. / Section 280 of B.N.S.S. relevant here. Hence, I reproduce said Section.

Section 257 of Cr.P.C. / Section 280 of B.N.S.S. Withdrawal of complaint :- *If a complainant, at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate that*

there are sufficient grounds for permitting him to withdraw his complaint against the accused, or if there be more than one accused, against all or any of them, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused against whom the complaint is so withdrawn. Thus, as per Section 257 of Cr.PC. / Section 280 of B.N.S.S., the complainant is having right to move an application for withdraw at any time and in any case. It is further seen that the Magistrate must satisfy that there are sufficient grounds for withdrawal of complainant's case. It appears that the complainant and accused settled their dispute. Therefore, I find there are sufficient grounds for permitting him to withdraw his complaint against the accused. Hence, as per my view, permission to withdraw present complaint needs to be given to the complainant and accused be acquitted from aforesaid offence. Therefore, I am of the opinion that present matter needs to be disposed of as withdrawn. Resultantly, I pass the following order :-

Order

1. The present complaint S.C.C. No. 20/2022, Bajinath Vs. Somnath & Ors. is disposed of as withdrawn.
2. The accused No. 1 to 4 are acquitted for the offence punishable under Sections 323, 294, 504 & 506 read with Section 34 of the Indian Penal Code vide. Section 257 of the Criminal Procedure Code/ Section 280 of Bharatiya Nagrik Suraksha Sanhita.

3. Bail bonds of the accused are cancelled and surety is discharged.
4. Proceeding be closed.

Date:- 27/07/2026

Place:- Motala.

(Satishkumar Shripatrao Gaikwad)
Judicial Magistrate F.C., Court No. 2
Motala, Distt. Buldana.