

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 507/2017

(NITESH @ CHOTU KESHAVRAO ONKAR & ANOTHER **VERSUS** STATE OF MAHARASHTRA, THR.
 PSO, PS RALEGAON)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri T.S. Deshpande, counsel for the applicant.
 Shri A.M. Joshi, A.P.P. for the respondent.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : AUGUST 23, 2017.

By this criminal application, the applicants seek the quashing and setting aside of F.I.R. No.377 of 2016 registered against the applicant no.2 for the offence punishable under Section 307 of the Penal Code.

A report was lodged by the applicant no.1 against the applicant no.2 in the police station at Ralegaon on 17.12.2016 for the offence punishable under Section 307 of the Penal Code. The applicant no.1 and the applicant no.2 were friends till then and with the intervention of the elderly members of the family, the matter was amicably settled between the applicant no.1 and the applicant no.2. The applicant nos.1 and 2 are again on friendly terms and the applicant no.1 therefore, does not wish to participate in the proceedings that could be launched against the applicant no.2 for the offence punishable under Section 307 of the Penal Code. Since the parties have amicably settled the matter, they have jointly filed this criminal application for quashing and setting aside the first information report registered against the applicant no.2.

The applicants are personally present in the Court, today. The learned counsel for the applicants has identified the applicants. The applicant no.1 states that he is not desirous of participating in the proceedings that could be initiated against the non-applicant no.2 in view of the registration of F.I.R. No.377 of 2016. Since the applicant nos.1 and 2 have amicably settled the dispute between them and they are on friendly terms, with a view to secure the ends of justice, it would be necessary to quash and set aside the first information report registered against the applicant no.2 by relying on the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh Versus State of Punjab*, reported in **(2014) 6 SCC 466**. In the said case also, the first information report registered against the applicant in that case was quashed and set aside as in the said case also, with the intervention of the sarpanch and the other villagers, the complainant and the applicant therein had buried their differences and had decided to live peacefully, in future. Since the applicants in the instant case have also buried their differences and have decided to live peacefully, specially when they are again on friendly terms, it would be necessary to quash and set aside the first information report registered against the applicant no.2, specially when the trial is not likely to result in the conviction of the applicant no.2.

Hence, for the reasons aforesaid, criminal application is allowed. First Information Report No.377 of 2016 registered against the applicant no.2 for the offence punishable under Section 307 of the Penal Code and the proceedings arising therefrom, are hereby quashed and set aside.

Order accordingly. No costs.

JUDGE

JUDGE

APTE