

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

Criminal Application (APL) No.312 of 2017

(Shrawan Shalikram Raut .vs. State and another)

with

Criminal Application (APL) No.623 of 2017

(Rupchand @ Rupesh Laxman Kathane vs. State and another)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Criminal Application No.312 of 2017

Mr.Mohd. Ateeque, Advocate for the applicant.

Mr.A.M.Deshpande, A.P.P. for the Respondent No.1.

Mr.A.S.Kilor, Advocate for the Respondent No.2.

Criminal Application No.623 of 2017

Mr.A.S.Kilor, Advocate for the applicant.

Mr.A.M.Deshpande, A.P.P. for the Respondent No.1.

Mr.Mohd. Ateeque, Advocate for the Respondent No.2.

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

DATE : 8.9.2017.

The Criminal Applications are admitted and heard together as the parties involved in the said Criminal Applications are the same and rival complaints are filed by the parties against each other, as a result of which the First Information Report is lodged against them.

The applicant in Criminal Application No.623 of 2017 is a Lawyer practising in the Court at Darwaha, District Yavatmal; whereas the applicant in Criminal Application No.312 of 2017 is a Police Constable, who was posted at Darwaha at the relevant time on 6.8.2016 and who was performing his duties at the Court at Darwaha. It so

happened that, on 6.8.2016, the applicant/Police Constable felt that the lawyer has come to the Court premises triple seat on a two wheeler in a civil dress and was parking his vehicle hapazardly and therefore, the applicant could not identify him as a lawyer. It is stated that there was some misunderstanding between the lawyer and the Police Constable, as a result of which both of them lodged rival reports against each other in the Police Station. Acting upon the reports filed by the lawyer and the Police Constable, the First Information Report was registered against the Police Constable for the offences punishable under Sections 294, 323, 506 of the Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. So also, against the advocate, the F.I.R. was registered for the offences punishable under Sections 353, 186, 294, 323 and 506 of the Penal Code.

The Criminal Applications are filed by both of them and it is informed to this Court by the respective Counsel for the Lawyer and the Police Constable that the parties have compromised the matter between them and they do not wish to prosecute the matters against each other. It is stated that it would be necessary in the interest of the Police Constable as well as the Lawyer that the F.I.R. registered against them is quashed and set aside. It is stated that complaints were lodged by them against each other in view of the misunderstanding. It is stated that, with a view to maintain harmony in future, both of them have decided not to prosecute the matters against each other and have sought the quashing and setting aside of the F.I.Rs. registered against them.

The Lawyer and the Police Constable are present in the Court today. We had asked the Lawyer as well as the Police Constable whether they have really compromised the matter and whether they have decided to not to proceed against each other in the complaints registered against them. Both of them have stated that they have compromised the matter and they do not wish to proceed against each other. It is stated that the F.I.R. registered against them should be quashed and set aside.

In view of the statements made by the Lawyer and the Police Constable and the statements made by their respective Counsel, it appears that they have compromised the matter and have resolved the dispute out of the Court. It appears that they do not wish to prosecute each other in the complaints lodged by them in the Police Station, which have resulted in the registration of the F.I.Rs. against them. Hence, by following the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012) 10 SCC 303, we are inclined to quash and set aside the F.I.R. registered against both the applicants. Since the Police Constable as well as the Lawyer are not interested in prosecuting the matters against each other, it is unlikely that the trial would result in the conviction of either the police Constable or the Lawyer.

Hence, for the reasons aforesaid, the Criminal Applications are allowed. The F.I.R. registereed against the Police Constable bearing No.287 of 2016 for the Offences punishable under Sections 294, 323, 506 of the Penal Code r/w. Section 3(1)(x) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 is hereby quashed and set aside. So also, the F.I.R. registered against the applicant-lawyer, bearing No.286 of 2016 for the offences punishable under Sections 353, 186, 294, 323 and 506 of the Penal Code is hereby quashed and set aside. Order accordingly.

JUDGE

JUDGE

**jaiswal*