

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

CRIMINAL APPLICATION (APL) NO.38/2018

Shivaji Pritam Pandit and others

...Versus...

State of Maharashtra, through Police Station Officer, Police Station, Pinjar, Dist.
Akola

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

Court's or Judge's orders

Shri S.V. Sirpurkar, Counsel for applicants
Shri B.M. Lonare, APP for respondent

**CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.**

DATE : 21/02/2018

By this criminal application, the applicants seek for quashing and setting aside of the First Information Report (F.I.R.) and the charge-sheet filed against the applicant nos.1 to 3 for the offences punishable under Sections 307, 392, 452, 506, 336, 324 read with Section 34 of the Penal Code.

A complaint was lodged by the applicant no.4 – Nandkishor on 22/2/2012 alleging therein that the applicant nos.1 to 3 had come to his house, had assaulted him and also threatened him of dire consequences. On the basis of the complaint, the F.I.R. was registered against the applicant nos.1 to 3. The applicant nos.1 to 3 and the applicant no.4 reside in the same village and they had cordial relations before the complaint was filed by the applicant no.4 against the applicant nos.1 to 3.

The applicant nos.1 to 3 and the applicant no.4 have settled their dispute and have decided to live peacefully in future as they are the residents of the same village and in view of the pendency of the trial against the applicant nos.1 to 3 there was a stressed relationship not only between the applicant nos.1 to 3 and 4 but also with some of the villagers. It is stated that the applicants have decided to live peacefully in the village and maintain a cordial relationship. It is stated that due to some misunderstanding the applicant no.4 was assaulted and there was no motive for committing the offence. In the circumstances of the case, by relying on the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh and others...Versus...State of Punjab and another*, reported in **(2014) 6 Supreme Court Cases 466**, the applicants have sought for the quashing and setting aside the charge-sheet filed against the applicant nos.1 to 3 and the trial, that is, pending against them.

The applicant nos.1 to 3 and the applicant no.4 are personally present in the Court today. The applicant nos.1 to 3 and the applicant no.4 state that they have settled the dispute between them. The applicant nos.1 to 3 state that the incident occurred on 22/2/2012 due to the misunderstanding between the parties. It is stated that since they reside in the same village and they are acquainted with each other they have settled the dispute amicably. The applicant no.4 has requested that the proceedings pending against the applicant nos.1 to 3 should be quashed and set aside.

After hearing the applicants and on a perusal of the allegations in the F.I.R., it appears that due to some misunderstanding between the applicant nos.1 to 3 on one hand

and the applicant no.4 on the other, the applicant nos.1 to 3 had assaulted the applicant no.4. The parties have however compromised the matter and since they are the residents of the same village they have decided to live peacefully in future. If the F.I.R. registered against the applicant nos.1 to 3 is not quashed and set aside, there would be no harmony between the applicant nos.1 to 3 and the applicant no.4. Since the applicant no.4 does not wish to prosecute against the applicant nos.1 to 3, it is unlikely that the prosecution would result in the conviction of the applicant nos.1 to 3. Hence, by following the law laid down by the Hon'ble Supreme Court in the case of ***Narinder Singh and others...Versus...State of Punjab and another*** (Supra) and with a view to secure the ends of justice and to prevent the abuse of the process of Court it would be necessary to quash and set aside the F.I.R. registered against the applicant nos.1 to 3 and the criminal trial pending against them.

Hence, for the reasons aforesaid, the criminal application is allowed. The F.I.R., charge-sheet and the trial pending against the applicant nos.1 to 3 are hereby quashed and set aside.

Order accordingly.

JUDGE

JUDGE