

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

CRIMINAL APPLICATION (APL) NO. 302/2018

(SONU @ MANGESH BHIMRAO CHANDURKAR VERSUS STATE OF MAHARASHTRA, THR. PSO PS
CITY KOTWALI, AMRAVATI & ANOTHER)

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

Court's or Judge's orders

Shri V.S. Uberoi, counsel for the applicant.
Shri K.L. Dharmadhikari, A.P.P. for the NA-1.
Shri H.D. Marathe, counsel for the NA-2.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : APRIL 11, 2018.

By this criminal application, the applicant seeks the quashing and set aside of the first information report registered against him for the offence punishable under Section 387 of the Penal Code.

The applicant and the non-applicant no.2 are friends and on the date of incident, the applicant had been to the wine shop of the non-applicant no.2. It is stated that since there was crowd in the shop of the non-applicant no.2, he was unable to attend the applicant and his friend and therefore, there was some altercation of words between the applicant and the non-applicant no.2. It is stated that in a fit of rage and without thinking about the consequences, the non-applicant no.2 had made a phone call to the police station and thus the first information report was registered against the applicant for the offence punishable under Section 387 of the Penal Code. It is stated that it was alleged by the non-applicant no.2 in the oral report that the applicant had demanded a sum of Rs.20,000/- from the non-applicant no.2 and had threatened to kill him if the amount was not not paid. It is stated that since the applicant and the non-applicant no.2 are friends for

several years, they have settled their dispute and the non-applicant no.2 does not wish to prosecute the matter against the applicant. It is stated that the applicant and the non-applicant no.2 wish to live peacefully in future. It is stated that according to them there would be no harmony between them if the trial continues on the basis of the first information report registered against the applicant.

The applicant and the non-applicant no.2 are personally present in the Court, today. The non-applicant no.2 has stated that he had filed the complaint in a fit of anger and he does not wish to prosecute the matter against the applicant as the applicant is his friend. It is stated that if the first information report registered against the applicant on the basis of the complaint lodged by the non-applicant no.2 is not quashed and set aside, there would be animosity between them.

On hearing the learned counsel for the parties and on a perusal of the statements made in the criminal application, it appears that a case for quashing and setting aside the first information report registered against the applicant is made out. We have read the allegations in the complaint. They are not very serious. It appears that the applicant and the non-applicant no.2 are friends and since there was some heated exchange of words between them in the wine shop of the non-applicant no.2, without giving a thought to the consequences of calling the police and registration of the first information report, the non-applicant no.2 had lodged the report. Hence, by following the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh & Others Versus State of Punjab & Another*, reported in (2014) 6 SCC 466 and in the case of *Anita Maria Dias & another Versus State of Maharashtra & another*, reported in (2018) 3 SCC 290, it would be necessary to quash and set aside the first information report

registered against the applicant. It is unlikely that the prosecution would result in the conviction of the applicant since the non-applicant no.2 is not desirous of prosecuting the matter against him.

Hence, for the reasons aforesaid, the criminal application is allowed. The first information report registered against the applicant for the offence punishable under Section 387 of the Penal Code and the proceedings arising therefrom are quashed and set aside.

Order accordingly.

JUDGE

JUDGE

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