

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

CRIMINAL APPLICATION (APL) NO. 431/2018

(BHAGWAT KRUSHNARAO DHAPODKAR & OTHERS **VERSUS** THE STATE OF MAHARASHTRA,
 THR. PSO PS KORADI & ANOTHER)

WITH

CRIMINAL APPLICATION (APL) NO. 432/2018

(SANJAY RAMCHANDRA BHAJIPALE & OTHERS **VERSUS** THE STATE OF MAHARASHTRA, THR.
 PSO PS KORADI & ANOTHER)

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

Court's or Judge's orders

Shri Rohit Masurkar, counsel for the applicants in APL No. 431 of 2018 and for NA-2 in APL No. 432 of 2018.

Shri P.R. Agrawal, counsel for the applicant in APL No. 432 of 2018 and for NA-2 in APL No. 431 of 2018.

Shri V.P. Maldhure and Shri B.M. Lonare, A.P.P. for the NA-1.

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

DATE : APRIL 27, 2018.

Since the parties to the applications are common and some of the facts involved in these criminal applications are similar and in the criminal applications, separate first information reports that have some relationship with each other are sought to be quashed and set aside, they are heard together and are decided by this common order.

The applicant in Criminal Application (APL) No.432 of 2018, viz. Sanjay is an Orthopaedic doctor in Swami Vivekanand Hospital and the non-applicant no.2 in the said criminal application viz. Vidya was working as a nurse in the said hospital. The applicant no.1-Bhagwat Dhapodkar in Criminal Application (APL) No.431 of 2018 is the husband of Vidya and the other applicants are his associates. There are two rival complaints filed in these two cases, one by Dr.Sanjay against Bhagwat and the other applicants in Criminal Application (APL) No.431 of 2018 and the other by non-applicant no.2-Vidya in Criminal Application (APL) No.432 of 2018

against Dr.Sanjay. In the complaint lodged by Dr.Sanjay against Bhagwat and the other applicants in Criminal Application (APL) No.431 of 2018, it is alleged that the nurse, viz. Vidya, was sending the patients in his chamber-operation room without the O.P.D. card and he had scolded her for the same. It is further alleged in the complaint that Bhagwat being the husband of Vidya, entered into a quarrel between Dr.Sanjay and Vidya and there was an altercation and scuffle in which Dr.Sanjay suffered some injuries due to the assault by Bhagwat and his associates. On the basis of the said complaint lodged by Dr.Sanjay, the first information report was registered against Bhagwat and the other applicants for the offences punishable under Sections 326 and 504 of the Penal Code. So also, Vidya filed a complaint against Dr.Sanjay that on 04.02.2017, he called her in his chamber and touched her shoulder-arm with ill-intention. It is alleged by Vidya that she got scared because of the act of Dr.Sanjay. On the basis of the said complaint, the first information report was registered against Dr.Sanjay for the offences punishable under Sections 354-A and 354-A of the Penal Code.

The parties, viz. Bhagwat and his associates, Dr.Sanjay and Vidya have settled the disputes amicably. According to Vidya, she had filed the complaint due to misunderstanding. It is also the case of Dr.Sanjay that due to misunderstanding, a quarrel took place between him and Bhagwat & his associates, as a result of which, he had suffered some injuries. It is however stated on behalf of the parties that since Dr.Sanjay and Vidya were working together in the same hospital and since the complaints were lodged due to misunderstanding and the parties have settled their disputes, the first information reports registered against the applicants should be quashed and set aside.

Mrs. Vidya, Shri Bhagwat Dhapodkar and Dr.Sanjay are personally present in the Court today. They have stated that they have settled their disputes amicably and they wish to carry on their profession and their duties without involving themselves in legal hassles. It is stated by Vidya that the complaint was lodged by her due to misunderstanding and the first information report registered against Dr.Sanjay should be quashed and set aside. So also, Dr.Sanjay has stated that he has compromised the matter with Shri Bhagwat Dhapodkar and others and the first information report registered against them should be quashed and set aside.

We have perused the allegations in both the complaints that are placed on record. We do not find that the allegations made in the complaint filed by Vidya are so very grave and serious so as not to quash them on the basis of an amicable settlement. So also, we do not find that the allegations made in the complaint filed by Dr.Sanjay are very serious. In any case, Dr.Sanjay and Shri Bhagwat Dhapodkar have settled their disputes and they have decided not to pursue the matters on the basis of the complaints lodged by Vidya and Dr.Sanjay. In the circumstances of the case, since the parties have settlement their disputes amicably and they do not wish to proceed against each other, it would be necessary to quash and set aside the first information reports registered against Bhagwat and his associates as also Dr.Sanjay by following the law laid down by the Hon'ble Supreme Court in the judgment in the case of *Narinder Singh & Others Versus State of Punjab & Another*, reported in (2014) 6 SCC 466. It is unlikely that the prosecution against Bhagwat and his associates and/or Dr.Sanjay would result in their conviction as the complainants are not interested in pursuing the matters against them.

Hence, for the reasons aforesaid, the criminal applications are allowed. The first information report registered against Dr.Sanjay in Criminal Application (APL) No.432 of 2018 for the offences punishable under Sections 354 and 354-A of the Penal Code and the proceedings arising therefrom are quashed and set aside. So also, the first information report registered against the Bhagwat Dhapodkar and the other applicants in Criminal Application (APL) No.431 of 2018 for the offences punishable under Sections 326, 504 and Section 34 of the Penal Code and the proceedings arising therefrom are quashed and set aside.

Order accordingly.

JUDGE

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