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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 609/2016

(Shashank Surendra Singh vs. The State of Maharashtra and others)

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

Court's or Judge's order

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Mr. A.R. Fule, Advocate for the applicant
Mr. V.P. Maldhure, Additional Public Prosecutor for respondents

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
DATED : 14th March, 2018.

Heard.

By this Criminal Application, the applicant is seeking a direction to quash and set aside the First Information Report registered against the applicant for the offences punishable under sections 324 and 504 of the Penal Code as also the proceeding arising therefrom. The non-applicant no.2 had lodged a complaint against the applicant in the Police Station alleging therein that on 3.7.2016 at about 1.30 am, when the non-applicant no.2 was sitting in an auto rickshaw in front of Akshay Gajghate's house, a person tried to stop him and chased. It is alleged in the complaint that since the non-applicant no.2 did not stop, the applicant tried to chase him and as he entered in the house of one Himanshu Meshram and the applicant allegedly assaulted the non-applicant no.2. On the basis of the said allegations an First Information Report was

registered against the applicant for the offence punishable under sections 324 and 504 of Penal Code.

It is stated on behalf of the applicant that the applicant and non-applicant no.2 have settled the dispute. It is stated that in view of the amicable settlement between the applicant and non-applicant no.2, the First Information Report registered against the applicant be quashed and set aside. It is stated that since the applicant could not stop the non-applicant no.2 was chased and though an unknown person assaulted the non-applicant no.2, the complaint was lodged against the unknown person and the applicant. It is stated that the non-applicant no.2 does not have any grievance against the applicant and with a view to prevent the abuse of the process of the court, the First Information Report registered against the applicant may be quashed and set aside.

The applicant and the non-applicant no.2 are personally present in the Court today. The non-applicant no. 2 states that the complaint was lodged against the applicant due to misunderstanding that since the dispute between the applicant and non-applicant no.2 is amicably settled, the First Information Report registered against the applicant may be quashed and set aside.

In the circumstances of the case, it would be necessary to quash and set aside the First Information Report registered against the applicant as we do not find that serious allegations are levelled by the non-applicant

no.2 against the applicant in the complaint. Since the non-applicant no.2 is not desirous of pursuing the matter against the applicant on the basis of the complaint lodged by him it is unlikely that the prosecution would result in the conviction of the applicant. Hence, by relying on the law laid down by the Hon'ble Supreme Court, in the case of *Narinder Singh and another vs. State of Punjab and another*, reported in *(2014) 6 SCC 466*, it would be necessary to quash and set aside the First Information Report registered against the applicant.

Hence, for the reasons aforesaid, the Criminal Application is allowed. The First Information Report registered against the applicant and the proceedings arising therefrom, are hereby quashed and set aside. Order accordingly.

JUDGE

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