

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

CRIMINAL APPLICATION (APL) NO. 878 OF 2018

(Nilesh s/o Bhaurao Thorat vs. State of Maharashtra thr. PSO, PS Koradi, Nagpur & Anr.)

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

Court's or Judge's orders.

**CORAM : S.B. SHUKRE &
S.M. MODAK, JJ.
DECEMBER 12, 2018.**

Heard Shri Mahesh Rai, learned counsel for the applicant, Shri A.M. Balpande, learned APP for the non-applicant No. 1 and Shri B.R. Borikar, learned counsel for non-applicant No. 2.

We have also heard the applicant and non-applicant No. 2 in person. They are identified by their respective counsel.

Both of them stated that before the Mediator, they have reached a settlement and it is reduced into writing as an Agreement between them. They state that because of this settlement, this application must be allowed by quashing the FIR registered vide Crime No. 126 of 2018 at Koradi Police Station, Nagpur. They also state that this Agreement has been reached voluntarily and each and every term mentioned in the agreement, which is annexed by the learned Mediator, is acceptable to them and they would abide by the same.

On going through the FIR, we find that the offence registered against the applicant could not be viewed

as an offence which would affect the society in general and could be considered to be extending to the personal relations between the parties. Such being the case, we are also of the view that this case would fall within the parameters laid down by the Hon'ble Apex Court in the case of B.S. Joshi vs. State of Haryana, reported at AIR 2003 SC 1386.

In view of the above, the FIR bearing No. 126 of 2018 is hereby quashed and set aside in terms of the Agreement / Settlement reached between the accused i.e. applicant and the complainant i.e. non-applicant No. 2, with a direction that the applicant and the complainant shall abide by the terms of the Agreement.

Criminal Application is disposed of accordingly.

JUDGE

JUDGE

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