

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

CRIMINAL APPLICATION (APL) NO. 867 OF 2018.

(Amit s/o Diwakar Trivedi, Nagpur Vs. State of Maharashtra, thr.PSO, PS Ambazari,
Nagpur, Tahsil and District Nagpur & Anr.)

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

Court's or Judge's orders.

Shri Parwez Mirza and Shri A.J.Mirza, Advocates for
applicant.
Shri N.H.Joshi, APP for respondent No.1/State.
Shri R.D.Kalra, Advocate for respondent No.2.

**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
AUGUST 29, 2019.**

This application is filed seeking quashment of F.I.R. No. 106/2010 dated 13/05/2010 registered at Police Station Ambazari, District Nagpur for the offence punishable under Sections 324, 325, and 294 read with Section 34 of the Indian Penal Code and criminal proceedings arose out of the said F.I.R. Applicant in this application is original accused No.2 and respondent No.2 is the complainant in the said F.I.R.

On the basis of report lodged by respondent No.2 – the informant against the applicant at Police Station, Ambazari, District Nagpur, the impugned F.I.R. came to be registered. After investigation, chargesheet came to be filed in the Court of Chief Judicial Magistrate, Nagpur which

is registered as chargesheet No.96/2010.

Learned counsel for applicant submits that both the parties have amicably settled their dispute out of the Court and thus, he prayed for allowing the application by quashing the aforesaid F.I.R. and the criminal proceedings arising out of the said F.I.R.

On the contrary, learned APP opposes the application, being offence committed by applicant is serious in nature and thus, he prayed for rejection of same.

We have considered the submissions put forth on behalf of both the parties. As the parties have amicably settled their dispute out of the Court with the assistance of some elders members from the society and in view of the nature of the offence, we are of the opinion that no purpose would be served in prosecuting the applicant in the aforesaid crime.

In that view of the matter and considering the fact that the respondent No.2 - the informant, himself, does not want to prosecute his report upon which offence is registered, application is required to be allowed. Our this opinion is also guided by the ratio laid down by the Hon'ble Supreme Court in the case of **Narinder Singh and Others Vs. State of Punjab and another** reported in (2014) 6 SCC 466,

In view of settled legal position, we are inclined to pass the following order:

ORDER

Criminal Application is allowed in terms of prayer clause (a) of the application, subject to payment of cost of Rs.10,000/- (Rs. Ten thousand) to be paid by the applicant and respondent No.2 each. The said amount be deposited with the Registry of this Court within a period of two weeks from today. On payment of cost, the same be deposited with the office of High Court Bar Association, Nagpur.

JUDGE**JUDGE**