

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

CRIMINAL APPLICATION (APL) NO. 1153 OF 2019

(Ganesh s/o Mohan Kadsait & Anr. vs. State of Maharashtra thr. Police Station Officer, PS,
Kelwad, Nagpur Gramin, Nagpur)

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

Court's or Judge's orders.

Shri P.S. Tiwari, Advocate for the applicants.
Mrs. H. Jaipurkar, APP for the respondent – State.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
JANUARY 08, 2020.**

Heard the learned counsel for the parties.

This application is jointly filed for quashing of First Information Report which was subsequently amended, praying for quashing of further proceedings in Regular Criminal Case No. 371 of 2019 pending before the Judicial Magistrate First Class, Saoner and 42nd Joint Civil Judge, Junior Division, Saoner, District – Nagpur for the offence punishable under Sections 294, 354, 504 and 506 of the Indian Penal Code.

The applicant – Ganesh is the accused and applicant No. 2 – Dinesh is complainant in above referred case. Reference is made to same incident which had taken place on 23.09.2016 of which report came to be lodged and offence came to be registered

vide Crime No. 221 of 2019 on 23.09.2019.

It is stated in the application that they are residing in the same vicinity and are friends and as such decided to settle the matter amicably. Applicant No. 2 has as such given his no objection for quashing of proceedings initiated against Applicant No. 1 and Applicant Nos. 1 & 2 have undertaken that they will be careful and not indulge in any such criminal act in future.

This Court had already directed the applicants to deposit Rs.20,000/- (Rs. Twenty thousand only) towards costs as it was stated on behalf of the State that after registration of FIR, investigation was carried out and the police machinery has set into motion.

The learned counsel for the applicants has referred to pursis placed on record, establishing payment of Rs.20,000/- (Rs. Twenty thousand only) along with the affidavit of victim – Sau. Vaishali w/o Dinesh Raut, who is wife of complainant – applicant No. 2, who also on the similar grounds is not interested to prosecute her complaint.

In view of the above facts and law laid down in the case of Narinder Singh & Ors. vs. State of Punjab & Anr., reported in (2014) 6 SCC 466 wherein the Hon'ble Apex Court has held that if the parties have settled the dispute and no element of public loss is involved, they can be permitted to

compound the offence, we are inclined to allow the application as by continuing the prosecution, no fruitful purpose would be served.

Criminal application is accordingly allowed and disposed of in terms of prayer clause (i).

JUDGE

JUDGE

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