

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

CRIMINAL APPLICATION (APL) NO.32 OF 2021

1. Shivshankar S/o Rajaram Ramteke,
Aged about 42 years,
Occupation : Service.
R/o Near Railway Line 643, Lashkaribagh,
Ghasiyaripura,
Dr. Ambedkar Marg,
Nagpur,
Tah. & District – Nagpur.
2. Shubham alias Jhinga S/o Jaraklal Dhanore,
Aged about 22 years,
Occupation : Business,
R/o Tandapeth, Basod Sq.Nagpur.
Tah. And Distric Nagpur.
3. Vrushabh S/o Radhesham Paigwar,
Aged about 26 years,
Occupation Business,
R/o Pili Marbat Chowk, Lal Darwaja,
Pachpaoli, Nagpur. **APPLICANTS**

.....VERSUS.....

State of Maharashtra through
Through Police Station Tahsil,
District Nagpur City. . . . **NON-APPLICANT**

Shri Virat S. Mishra, Advocate for applicants.
Shri S.D.Sirpurkar, APP for the respondent.

CORAM :- Z. A. HAQ AND
AMIT B. BORKAR, JJ.
DATED :- 12.01.2021

ORAL JUDGMENT (Per Amit B. Borkar, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. Heard by consent of the learned Advocate and learned APP appearing for the respective parties.
3. This is an application filed under Section 482 of the Code of Criminal Procedure, challenging the First Information Report dated 27.12.2020 registered by the non-applicant – Police Station, vide Crime No.0733 of 2020 for offences punishable under Sections 294, 506 (2) 34 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act.
4. The First Information Report came to be registered against the applicant nos.2 and 3 by the applicant no.1 with the allegation that the applicant no.1 being Manager of one Suresh Saoji Bar and Restaurant was threatened by the applicant nos.2 and 3 by sharp weapons and threatened to kill the applicant no.1.
5. The applicants have, therefore, approached this Court by way of the present application with the case that the applicant no.1 was in confused state of mind, which resulted into registration of the impugned First Information Report. It

is submitted that the applicants have resolved issued between them. It is stated that the offence is registered on 27.12.2020 and the investigation has just started.

6. The application is affirmed by all the three applicants. The aggrieved person namely the applicant no.1 has also affirmed the present application.

7. It can thus be seen that the matter has been amicably settled between the parties. From the perusal of the First Information Report, it transpires that the allegations in the First Information Report, are personal in nature. In these circumstances and in specially in view of the law laid down by the Supreme Court in the case of ***Narinder Singh and others Vs. State of Punjab and anr.*** reported in ***AIR 2014 SCW 2065***, we find that no purpose would be served by keeping the criminal proceedings pending except burden the Criminal Courts which are already have burdened.

8. Accordingly, the First Information Report dated 27.12.2020 registered by the non-applicant – Police Station, vide Crime No.733/2020 for offences punishable under Sections 294, 506 (2) 34 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act, against the applicant

nos.2 and 3 is quashed and set aside.

Rule is absolute in the aforesaid terms.

JUDGE

JUDGE

Ambulkar