

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

CRIMINAL APPLICATION (APL) NO.138 OF 2021

APPLICANTS: 1. Sau. Kalpna W/o Vitthal Wagh,
Ori.Complainant : Aged about : 21 years,
Occu. : Household.

Victim : 2. Vitthal s/o Tatyrao Wagh,
Aged about : 26 years,
Occu. : Agri.

Accused : 3. Pramod s/o Kisan Khade,
Aged about : 31 years,
Occu. Agri.

Accused : 4. Ravi s/o Pandurang @ Pandu
Khade, Aged about : 21 years,
Occu. Education.

Accused : 5. Rama @ Rameshwar S/o
Murlidhar Khade,
Aged about : 21 years,
Occu. Education.

All R/o Karli Tq. Distt. Washim.
Mob - 7620063143

V E R S U S

NON-APPLICANT : State of Maharashtra,
Through Police Station Officer,
Jaulka, Tq. Malegaon,
Dist. Washim.

Shri R. L. Kadu, Advocate for applicants.
Ms. Mayuri Deshmukh, Additional Public Prosecutor for Non-
applicant-State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 27/01/2021.

ORAL JUDGMENT : (PER : AMIT B. BORKAR, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. This is an application jointly filed by the Informant, Victim and the accused under Section 482 of the Code of Criminal Procedure challenging First Information Report No.11/2021 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 323, 354, 294 and 506 r/w Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant Nos.3 to 5 with the accusation that the applicant Nos.3 to 5 assaulted the applicant No.2 and offended the modesty of the applicant No.1. During pendency of the investigation, the applicants have amicably resolved their dispute and they have, therefore, approached this Court by way of present application for quashing of the First Information Report.

5. It appears that on the same day, counter First Information Reports were registered against the applicant Nos.3

to 5. Insofar as the impugned First Information Report is concerned, it has been registered at the instance of the applicant No.1. In the counter First Information Reports, the applicants - accused in the said First Information Report have filed Criminal Application (APL) No.134/2021 challenging registration of counter First Information Report against them. Both the applications are listed before this Court. Since the parties to both the First Information Reports have amicably settled their dispute, this Court already allowed Criminal Application (APL) No.134/2021 by setting aside registration of First Information Report No.9/2021. The impugned First Information Report No.11/2021 has been registered at the instance of the applicant No.1 and the applicant No.2 is the Victim. From the averments in the application, it is stated that the parties have amicably settled their dispute and the First Information Report came to be filed out of the misunderstanding. Since the applicants are residing in one village and to maintain their cordial relations, they have decided to settle their dispute.

6. After carefully considering the First Information Report, we are satisfied that the allegations in the FIR are personal in nature. In view of the settlement of dispute between the parties,

chances of conviction are bleak. No purpose would be served by continuing the criminal proceedings against the applicant Nos.3 to

5. In view of judgment of the Hon'ble Apex Court in the case of **Madan Mohan Abbot Vrs. State of Punjab**, reported in **(2008) 4 SCC 582**, we are satisfied that the First Information Report deserves to be quashed and set aside.

7. We, therefore, pass the following order :-

ORDER

The First Information Report No.11/2021 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 323, 354, 294 and 506 r/w Section 34 of the Indian Penal Code is quashed and set aside.

8. Rule is made absolute in the above terms.

JUDGE

JUDGE