

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

CRIMINAL APPLICATION (APL) NO.68 OF 2018

WITH

CRIMINAL APPLICATION (APL) NO.146 OF 2018

APPLICANT:

Naman s/o Pinank Halai
Aged about : 33 years,
Occ. : Business,
R/o H/162, Abhayankar Road,
Sitaburdi, Nagpur.

V E R S U S

NON-APPLICANTS : 1.

State of Maharashtra,
Through Police Station Officer,
Police Station, Sitaburdi,
District - Nagpur.

2.

Sau. Anushree w/o Jagesh Bhore,
Age : 32 years, Occ. Housewife,
Buty Chawl, Abhayankar Road,
Sitaburdi, Nagpur.

S/Shri S. K. Bhandarkar and Chetan Sharma, Advocates for
applicant.

Shri N. S. Rao, Additional Public Prosecutor for Non-applicant
No.1-State.

Shri M. N. Ali, Advocate for non-applicant No.2.

WITH

CRIMINAL APPLICATION (APL) NO.146 OF 2018

APPLICANT:

Jagesh @ Jaggu Vijay Bhore,
Aged about : 35 years,
Occ - Private, R/o Abhyankar
Road, Buty Chawl, Sitabuldi,
Nagpur.

V E R S U S

NON-APPLICANTS : 1.

The State of Maharashtra,
PSO PS Sitabuldi, Nagpur.

2. Naman Pinank Halai,
Aged about : 33 years,
Occ. Business, R/o H. No.162,
Abhyankar Road,
Sitabuldi, Nagpur.

Shri M. N. Ali, Advocate for applicant.

Shri N. S. Rao, Additional Public Prosecutor for Non-applicant
No.1-State.

S/Shri S. K. Bhandarkar and Chetan Sharma, Advocates for non-
applicant No.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 20/01/2021.

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

1. Heard.

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

3. By way of these two applications, the applicant in Criminal Application (APL) No.68/2018 has challenged the registration of First Information Report No.19/2018 with the non-applicant No.1 - Police Station on 09/01/2018 for the offences punishable under Sections 354, 336, 427 r/w Section 34 of the Indian Penal Code.

4. In respect of the incident alleged in First Information Report No.19/2018, the non-applicant No.2 in Criminal Application (APL) No.68/2018 registered Cross First Information Report against the applicant in Criminal Application (APL) No.68/2018. The non-applicant No.2 in Criminal Application (APL) No.68/2018 filed Criminal Application (APL) No.146/2018 challenging the registration of the First Information Report No.18/2018 for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

5. Pending both the criminal applications, subject matter of both the criminal applications was referred for mediation. Both the parties to the criminal applications i.e. applicant and non-applicant No.2 have filed the terms of settlement before the Mediator. As per the terms of settlement, the applicant and non-applicant No.2 have agreed to withdraw the First Information Reports registered against each other along with settlement of all other disputes between them.

6. We have carefully considered the contents of the First Information Report in both the criminal applications. After

considering the allegations in the First Information Reports, we are satisfied that in view of the amicable settlement between the applicant and non-applicant No.2, the chances of conviction against the accused are bleak. Therefore, we are satisfied that the registration of the First Information Reports against the applicants in both the criminal applications needs to be set aside.

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

ORDER

I] The First Information Report No.19/2018 registered with the non-applicant No.1 - Police Station on 09/01/2018 by non-applicant No.2 in Criminal Application No.68/2018 is quashed and set aside.

II] The First Information Report No.18/2018 registered with the non-applicant No.1- Police Station in Criminal Application No.146/2018 registered by the non-applicant No.2 in the said application is quashed and set aside.

8. Rule is made absolute in the above terms.

JUDGE

JUDGE

Choulwar