

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

CRIMINAL APPLICATION (APL) NO. 308 OF 2021

1. Parag Balkrushna Puranik,
Aged about : 54 years,
Occupation : Business
2. Sau. Lalita W/o. Parag Puranik,
Aged about 49 years,
Occupation : Housewife

Both R/o. Plot No. 41, Second Floor,
Ambazari Hill Top, Nagpur-33.

3. Purushottam S/o. Narayan Raut,
Aged about : 69 years,
Occupation : Retired,
4. Parag S/o. Purushottam Raut,
Aged about : 40 years,
Occupation : Medical Practitioner,

Both R/o. Tulsai, Plot No. 41/A,
Hilltop, Ambazari, Nagpur-33.

. . . . **APPLICANTS**

. . . . **VERSUS**

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

. . . . **NON-APPLICANT**

Shri V. B. Gawali, Advocate for applicants.
Shri N. S. Rao, A.P.P for non-applicant/State.

**CORAM : Z.A.HAQ AND
AMIT B. BORKAR, JJ.
DATE : 22.02.2021.**

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

1. By this application under Section 482 of the Code of Criminal Procedure, the applicants have jointly prayed for quashing and setting aside the First Information Reports, which are:

(i) Crime No.3118/2011 dated 16.02.2011 for the offences punishable under Sections 294 and 506-B of the Indian Penal Code and the Charge-sheet No.410/2011 dated 26.05.2011 registered as Regular Criminal Case No.1580/2011 pending before the learned Chief Judicial Magistrate, Nagpur;

(ii) Crime No.3119/2011 dated 16.02.2011 for the offences punishable under Sections 294 and 506 of the Indian Penal Code and the Charge-sheet No.411/2011 dated 26.05.2011 registered as Summary Criminal Case No.4060/2011 pending before the learned Chief Judicial Magistrate, Nagpur;

(iii) Crime No.3250.2012 dated 02.07.2012 for the offences punishable under Sections 294, 506 and 323 read with Section 34 of the Indian Penal Code and the Charge-sheet No.267/2012 dated 20.07.2012 registered as Summary Criminal Case No.8583/2012 pending before the learned Chief Judicial Magistrate, Nagpur; and

(iv) Crime No.3252/2012 dated 02.07.2012 for the offences punishable under Sections 294, 323, 504 and 506 read with Section 34 of the Indian Penal Code and the Charge-sheet No.412/2012 dated 14.09.2012 registered as Summary Criminal Case

No.1602/2013 pending before the learned Chief Judicial Magistrate, Nagpur.

2. The applicant nos.1 and 2 have filed First Information Reports against each other, as mentioned above. It is stated that the Charge-sheets have been filed consequent to registration of the FIRs. It is submitted that the applicant nos.1 to 4 are neighbours, who have settled their disputes amicably for maintaining cordial relationship with each other. It is stated that to avoid multiplicity of proceedings and to maintain good relations, they did not want to prosecute their proceedings further. The application has been affirmed by the applicant nos.1 and 4.

3. Having considered the nature of allegations against each other, we are satisfied that the offences against each other by the applicants are personal in nature. The Apex Court in the case of *Madan Mohan Vs State of Punjab* reported in *(2008)4 SCC 582* has held that the Criminal courts are already overburdened. Therefore when the chances of conviction are bleak, it is not advisable to continue with the prosecution, particularly when the parties have amicably settled their dispute. In view of the judgment of the Apex Court, we are satisfied that the First Information

Reports and consequent charge-sheets against the applicant deserve to be quashed and set aside. We, therefore, pass the following order:

ORDER

(i) First Information Report vide Crime No.3118/2011 dated 16.02.2011 for the offences punishable under Sections 294 and 506-B of the Indian Penal Code and the Charge-sheet No.410/2011 dated 26.05.2011 registered as Regular Criminal Case No.1580/2011 pending before the learned Chief Judicial Magistrate, Nagpur; (ii) First Information Report vide Crime No.3119/2011 dated 16.02.2011 for the offences punishable under Sections 294 and 506 of the Indian Penal Code and the Charge-sheet No.411/2011 dated 26.05.2011 registered as Summary Criminal Case No.4060/2011 pending before the learned Chief Judicial Magistrate, Nagpur, (iii) First Information Report in Crime No.3250.2012 dated 02.07.2012 for the offences punishable under Sections 294, 506 and 323 read with Section 34 of the Indian Penal Code and the Charge-sheet No.267/2012 dated 20.07.2012 registered as Summary Criminal Case No.8583/2012 pending before the learned Chief Judicial Magistrate, Nagpur and (iv) First Information Report in Crime No.3252/2012 dated 02.07.2012 for the offences punishable under Sections 294, 323, 504 and 506 read with Section 34 of the Indian Penal Code and the Charge-sheet

No.412/2012 dated 14.09.2012 registered as Summary Criminal Case No.1602/2013 pending before the learned Chief Judicial Magistrate, Nagpur are quashed and set aside.

Rule is made absolute in the above terms.

JUDGE

JUDGE