

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

CRIMINAL APPLICATION (APL) NO. 423 OF 2021

Hemant Anilsingh Tomar,
Aged about : 41 years,
Occ : Business,
R/o Flat No.303, Aayush Nagar,
Urja Nagar, Tah. and District
Chandrapur.

(Ori. Accused in
FIR : 916/2020)
... **APPLICANT**

V E R S U S

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Chandrapur City.

2. Rajan Alias Harish Chhotelal,
Sagiani, Aged about : 54 years,
Occ. : Business, R/o Sairatan Plaza,
Thakkar Plaza, Tah. and District
Chandrapur.

(Ori. Complaint
FIR : 916/2020)
... **NON-APPLICANTS**

Ms. Parita N. Lakhani, Advocate for applicant.

Shri S. D. Sirpurkar, Additional Public Prosecutor for non-
applicant No.1-State.

Shri M. P. Kariya, Advocate for non-applicant No.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 16/03/2021.

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

1. Heard.

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

3. By this application under Section 482 of the Code
of Criminal Procedure, the applicant has challenged registration of
First Information Report No.916/2020 registered with the non-

applicant No.1 - Police Station for the offences punishable under Sections 307 and 504 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant with the accusations that the applicant assaulted the non-applicant No.2 resulting into serious injury.

5. During pendency of investigation, the applicant and the non-applicant No.2 have resolved their dispute.

6. The non-applicant No.2 has filed an affidavit stating that the applicant and the non-applicant No.2 belong to business community and have their shops in the same market and to maintain their cordial relations, they have resolved their dispute.

7. We have carefully considered the allegations in the First Information Report. On perusal of the allegations in the First Information Report and 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, wherein the Hon'ble Apex Court taken a view that the Criminal Courts are already overburdened, and it is advisable not to overburden the Court when the parties have resolved their dispute and the chances of conviction are bleak.

8. The non-applicant No.2 had also filed counter First Information Report against the applicant and the applicant had filed counter First Information Report against the non-applicant No.2. The said First Information Report is set aside by this Court in connected matter listed today.

9. In view of the judgment of Hon'ble Apex Court in the case of Madan Mohan Abbot (supra) and also considering the fact that the investigation is at preliminary stage and the charge sheet is not filed, there is no impediment in quashing of First Information Report, particularly when the injury out of said incident is not serious.

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

First Information Report No.916/2020
registered with the non-applicant No.1 - Police
Station under Sections 307 and 504 of the Indian
Penal Code is quashed and set aside.

11. Rule is made absolute accordingly.

JUDGE

JUDGE