

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

CRIMINAL APPLICATION NO.1060 OF 2021

1. Shri Rohit S/o Ghanshyam Patel,
Aged about 28 years, Occ- Business,
R/o Plot No.13 Krishna Niwas Bhandara Road,
Near Railway Crossing, Jalaram Nagar,
Nagpur.
2. Shri Rahul s/o Gajanan Bavankude,
Aged about 29 years, Occ: Service,
R/o Plot No.592 Kalamna Market Road,
Bharat Nagar, Gokul Deary, Nagpur.
3. Shri Salim Khalil Ahmed Rathod,
Aged about 40 years, Occ: Service,
R/o Plot No.1/c, Bharatwada Road,
Near Balaji Treading Gulmohar Nagar
Chowk, Nagpur-4400035.
4. Shri Dyaneshwar Ramsing Hanwate,
Aged about 35 years, Occ: Service,
Plot No.329 Near Mata Mandir
Bharat Nagar, Kalamna,
Nagpur-440035.

.....APPLICANTS

...V E R S U S...

1. State of Maharashtra,
Through Officer In-charge of Police
Station, Kalmana, Nagpur,
District Nagpur.
2. Shri Tarachand s/o Godabaji Moratkar,
Aged about 51 years,
R/o No.125, Mansi Layout,
Opposite H.P Gas Godown, Bharatwad,
Nagpur.

....**NON-APPLICANTS**

Shri H.R. Gadhia, Advocate h/f Shri S.A. Fuladi, Advocate for applicants.
Shri V.A. Thakare, Additional Public Prosecutor for non-applicant no.1/State.
Shri Lalit B. Patel, Advocate for non-applicant no.2.

CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.
DATE :- 29th OCTOBER, 2021

JUDGMENT (PER : PUSHPA V. GANEDIWALA, J.)

Heard. **Admit.**

2. Shri V.A. Thakare, learned Additional Public Prosecutor waives service of notice on behalf of non-applicant no.1/State and Shri Lalit Patel, learned counsel waives service of notice on behalf of non-applicant no.2.

3. This is an application under Section 482 of the Code of Criminal Procedure for quashing of First Information Report No.0846 of 2020 dated 11.11.2021 registered at Police Station, Kalmna, Nagpur for the offence punishable under Section 295 read with Section 34 of the Indian Penal Code.

4. Learned counsel for applicants and non-applicant no.2 submit that the matter has been settled between the parties. The applicant and non-applicant no.2 are personally present before this Court. Learned counsel for the parties acknowledged their identity. In order to satisfy ourselves, we have personally talked with the non-applicant no.2. The terms of the settlement

are placed on record. They have decided to maintain peace and harmony, and non-applicant no.2 has decided to withdraw entire allegations leveled against the applicants herein.

5. Having regard to the nature of the crime so also the ratio laid down in Narinder Singh and others Vs. State of Punjab and another reported in (2014) 6 SCC 466, we are of the considered view that continuing of the criminal proceedings against the applicants would be an abuse of process of law. Hence, we are inclined to quash the First Information Report No.0846 of 2020 . Consequently, we pass the following order:

ORDER

First Information Report No.0846 of 2020 registered at Police Station, Kalmana, Nagpur for the offences punishable under Section 295 read with Section 34 of the Indian Penal Code is hereby quashed, subject to payment of costs of Rs.20,000/- by the applicants, payable to the High Court Legal Services Sub-Committee, Nagpur, within a period of four weeks.

The application stands disposed of.

(Pushpa V. Ganediwala, J.)
Wagh

(M.S. Sonak, J.)
Digitally signed by SURESH
RAOSAHEB WAGH
Signing Date:30.10.2021
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