

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

CRIMINAL APPLICATION (APL) NO. 779 OF 2021

1. Balu S/o. Rupaji Damodar,
Aged about 55 years, Occ. Business,
R/o. Khedgaon, Rajat Nagar,
Malkapur, Distt. - Buldhana.
2. Bhagwat S/o. Murlidhar Munde,
Aged about 36 years, Occ. Farmer,
3. Bhagwan S/o. Dayaram Patil,
(Wankhade),
Aged about 47 years, Occ. Farmer,
4. Govinda S/o. Dayaram Patil,
(Wankhade),
Aged about 52 years, Occ. Farmer,
5. Kailash S/o. Dayaram Patil (Wankhade),
Aged about 40 years, Occ. Farmer,

The applicant No. 2 to 5 are resident of
Khedgaon, Tahsil – Nandura,
Distt. - Buldhana.

.....**APPLICANTS**

... **VERSUS** ...

The State of Maharashtra,
Through Police Station Officer,
Nandura Police Station,
Tahsil – Nandura, Dist. Buldhana.

.....**NON-APPLICANT**

Shri Amit R. Prasad, Advocate for the Applicants.

Shri S. S. Doifode, Additional Public Prosecutor for the Non-applicant/State.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 17.08.2021.

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

1. Heard.

2. Rule. Rule is made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicants have jointly requested for quashing and setting aside the First Information Report No.331/2021 dated 20.06.2021 registered with the non-applicant - Police Station for the offences punishable under Sections 323, 392, 506 of the Indian Penal Code and Sections 3(1)(r) and 3(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The First Information Report came to be registered against the applicant Nos. 2 to 5 with the allegations that the applicant Nos. 2 to 5 had assaulted the applicant No.1. It is also alleged that the applicant Nos.2 to 5 hurled abuses in the name of caste against the applicant No.1.

5. During pendency of the investigation, the applicants have arrived at settlement and have decided not to continue the prosecution lodged against the applicant Nos.2 to 5.

6. Today, the applicant No.1 is present in the Court. The applicant No.1 stated that he has no objection for setting aside the First Information Report lodged against the applicant Nos.2 to 5 as they have mutually resolved their dispute.

7. We have carefully considered the allegation in the First Information Report and the material on record. On careful consideration of the material on record, we are satisfied that the ingredients of the offences alleged against the applicant Nos. 2 to 5 are not made out, even if, the allegations are taken on their face value.

8. The Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & anr.* reported in *(2014) AIR SCW 2065*. The decision of the Hon'ble Apex Court makes it clear that the Court cannot declare to quash the First Information Report merely because the First Information Report incorporates a particular provision which is a serious offence or offence against society. The Court has to make an endeavour to find out whether the information in the First Information Report indeed discloses the ingredients of such offence and the Court can accept the settlement and quash the report/charge-sheet only after the Court is of the opinion that such an offence is unnecessarily incorporated in the First Information Report/charge-sheet.

9. From the perusal of the First Information Report and the material produced in the Court, we are satisfied that the ingredients of the offence under Section 323, 392 of the

Indian Penal Code are not fulfilled. Since the applicants have mutually resolved their dispute, chances of conviction are bleak.

10 On careful consideration of the allegations in the First Information Report and the material on record, we are satisfied that there is no impediment in quashing the First Information Report against the applicant Nos.2 to 5.

11. We therefore, pass the following order :

the First Information Report No.331/2021 dated 20.06.2021 registered against the applicant Nos.2 to 5 with the non-applicant - Police Station for the offences punishable under Sections 323, 392, 506 of the Indian Penal Code and Sections 3(1)(r) and 3(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is quashed and set aside.

12. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE