

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

CRIMINAL APPLICATION (APL) NO. 781 OF 2021

1. Nitin S/o. Prakash Patil,
Aged about 40 years, Occ. Agriculturist,
R/o. Khedgaon, Mominabad,
Tahsil-Nandura, Distt.-Buldhana.
2. Balu S/o. Rupaji Damodar,
Aged about 55 years, Occ. Agriculturist,
3. Kiran S/o. Balu Damodar,
Aged about 31 years, Occ. Agriculturist,
Both the applicant No.2 and 3 are
R/o. Ganpati Nagar, Part -1, Malkapur,
Dist. - 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. This joint application under Section 482 of the Code of Criminal Procedure is filed by the accused and the complainant for quashing and setting aside the First Information Report No.333/2021 dated 20.06.2021 registered against the applicant Nos.2 and 3 by the applicant No.1.

4. The First Information Report came to be registered at the instance of the applicant No.1 alleging that the applicant Nos.2 and 3 assaulted the applicant No.1. It is alleged that the applicant No.2 assaulted the applicant No.1 with sword on his left hand and threatened him with dire consequences. It is also alleged that the applicant no.2 snatched golden chain, golden ring and cash of Rs.10,000/- from the applicant No.1 and threatened to kill him.

5. The applicant No.2 also lodged the First Information Report No.331/2021 dated 20.06.2021 for the offences 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 against the accused persons named in the complaint.

6. During pendency of the present application, the applicants have mutually resolved their dispute and have decided

to withdraw the prosecution lodged against each other. It is stated that the offences alleged against the applicant Nos.2 and 3 are personal in nature.

7. We have carefully considered the allegations in the First Information Report. On careful allegations in the First Information Report, we are satisfied that the ingredients of the offences alleged against the applicant Nos.2 and 3 including offences under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not made out. The allegations made against the applicant Nos. 2 and 3 are vague in nature and are not sufficient to constitute the offences alleged against the applicant Nos.2 and 3. 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.

8. 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 324, 394 of the Indian Penal Code are not fulfilled. Since the applicants have mutually resolved their dispute, chances of conviction are bleak.

9. In view of the judgment of the Hon'ble Supreme Court in the case of *Narinder Singh (supra)* and in view of settlement of dispute between the parties, there is no impediment in quashing the First Information Report against the applicant Nos.2 and 3. We therefore, pass the following order :

10. The First Information Report No.333/2021 dated 20.06.2021 registered against the applicant Nos.2 and 3 for the offences under Sections 324, 394, 504 and 506, of the Indian Penal Code is quashed and set aside.

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

JUDGE

JUDGE