

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

CRIMINAL APPLICATION (APL) NO. 1289 OF 2021

(Mr. Mohan s/o Vinayak Kumbhare, Nagpur & Anr. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. K.H. Dodani, Advocate for the applicants.
Mr. M.J. Khan, A.P.P. for the respondent/ State.

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**CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
DECEMBER 21, 2021.**

Heard Mr. Dodani, learned counsel for the applicants, and Mr. Khan, learned A.P.P. for the respondent/ State.

2] This is a joint application seeking to quash the proceedings in Summary Criminal Case No. 13164/2019 pending before the learned Judicial Magistrate First Class – 6, Nagpur in pursuance of chargesheet against applicant No.1 for the offences punishable under Sections 294, 448 and 506 of the Indian Penal Code.

3] The learned counsel for the applicants states that this is a joint application, since both the applicants are neighbors and have now settled their dispute. The applicants are present in the Court and they confirm this position.

4] Having regard to the law laid down by the Hon'ble Supreme Court in the case of **Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466**, we see no difficulty in accepting the submission made by the learned counsel and quashing the proceedings/ chargesheet as prayed for. This is provided the applicants pay costs of Rs.5,000/- (rupees five thousand) in favour of the High Court Legal Services Sub-Committee, Nagpur within two weeks from today. This order of quashing will take effect from the date of payment of costs and file of evidence of payment in this Court.

5] The application is accordingly made absolute in terms of prayer clause (a) subject to payment of costs as aforesaid. The prayer clause (a) reads as follows :

“a) Quash the Summary Criminal Case No. 13164 of 2019, pending before the Learned JMFC-6, Nagpur, fixed for 29/09/21, wherein charge-sheet against the applicant No. 1 for the offences punishable under section 294, 448 & 506 of IPC has been filed by the respondent/non-applicant at the instance of applicant No. 2 (ANNEXURE-A); in the peculiar facts and circumstances of the case stated hereinabove and in the interest of Justice.”

6] The application is disposed of in the
aforesaid terms.

(PUSHPA V. GANEDIWALA, J.)

(M.S. SONAK, J.)

Sumit