

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

CRIMINAL APPLICATION (APL) NO. 246 OF 2021

1. Mr. Parikshit s/o Rameshrao Fuke,
Age : 41 years, Occupation - Business,
R/o Hilltop, Ambazari, Nagpur.
(Accused).
2. Mr. Prakash Balaji Thosar,
Age : 36 years, Occupation - Driver,
R/o Sudamnagri, Near Meshram
Kirana Stores, Hilltop, Nagpur.
(Complainant)

... **APPLICANTS**

V E R S U S

State of Maharashtra,
Through Police Station Officer,
Police Station, Ambazari, Nagpur.

... **NON-APPLICANT**

Shri Anirudh Ananthakrishnan, Advocate for applicants.
Ms. Mayuri Deshmukh, A.P.P. for non-applicant No.1-State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 23/02/2021.

CRIMINAL APPLICATION (APPP) NO.322 OF 2021

1. For the reasons stated in the application, the criminal application is allowed.
2. The Advocate for the applicants shall carry out amendment forthwith.

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

1. Heard.
2. **Rule.** Rule made returnable forthwith.

3. This is a joint application filed by the complainant and the accused for quashing of First Informant Report No.335/2019 dated 17/08/2019 registered with the non-applicant No.1 - Police Station for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code and consequent Charge Sheet No.100/2019 dated 26/12/2019.

4. The First Information Report came to be registered against the applicant No.1 with the accusations that the applicant No.1 assaulted the applicant No.2 with a stick. The charge-sheet bearing No.100/2019 is filed against the applicant No.1 on 26/12/2019. During pendency of the proceedings, the parties have settled their dispute. It is stated in the application that to maintain good relationship and to live life happily and peacefully, they have settled their dispute.

5. We have carefully considered the allegations in the First Information Report and injury report in the charge-sheet. The injury to the applicant No.2 is simple injury (contusion). Taking into consideration the allegations in the First Information Report and the injury 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 has held that when the chances of conviction are bleak, it is advisable to quash First Information Report as the Criminal Courts are already overburdened. In view of the judgment of the Hon'ble Apex Court in the case of Madan Mohan Abbot (supra), we are satisfied that the First Information Report and the charge-sheet against the applicant No.1 deserve to be quashed and set aside.

6. We are, therefore, pass the following order :-

The First Information Report No.335/2019 dated 17/08/2019, charge-sheet No.100/2019 dated 26/12/2019 and consequent Regular Criminal Case No.31/2020 pending before the Chief Judicial Magistrate, Nagpur are quashed and set aside.

7. Rule is made absolute accordingly.

JUDGE

JUDGE