

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

CRIMINAL APPLICATION NO.1183 OF 2021

1. Siddharth s/o Sukhdev Rangari,
Aged 54 years, Occ- Business,
2. Dikshant s/o Siddhart Rangari,
Aged 22 years, Occ: Business,
3. Rohit s/o Siddhart Rangari,
Aged 29 years, Occ: Govt. Servant,
R/o Rahul Budha Vihar,
Kalamana Road, Kamptee,
Dist. Nagpur.

.....APPLICANTS

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

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Tumsar,
Dist. Bhandara,
Vide FIR No.427/2017.
2. Narendra s/o Sukhdev Rangari,
Aged 45 years, Occ: Business,
R/o Rahul Budha Vihar,
Kalamana Road, Kamptee,
Dist. Nagpur.

....NON-APPLICANTS

Mr. A.K. Bhangde, Advocate for applicants.
Mrs. K.S. Joshi, Public Prosecutor for non-applicant no.1/State.
Mr. G.L. Agrawal, Advocate for non-applicant no.2.

CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.

DATE :- 28th OCTOBER, 2021

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

Admit.

2. Mrs. K.S. Joshi, learned Public Prosecutor waives service of notice on behalf of non-applicant no.1/State and Mr. G.L. Agrawal, learned counsel waives service of notice on behalf of non-applicant no.2.

3. Heard learned counsel for both sides.

4. The applicants are the accused in Crime No.427 of 2017 registered with Police Station, Tumsar, District Bhandara on 26.11.2017 for the offences punishable under Sections 326, 506 read with Section 34 of the Indian Penal Code on the report lodged by non-applicant no.2 herein.

5. By this application, the applicants are seeking quashment of the aforesaid F.I.R. and the consequent criminal proceedings i.e. Regular Criminal Case No.26 of 2018 pending before the learned Judicial Magistrate First Class, Tumsar.

6. It is stated that the applicant no.1 and non-applicant no.2 are the real brothers while applicant no.2 and 3 are the sons of applicant no.1. It is stated that applicants and non-applicant no.2 have amicably settled their mutual grievances and intending to continue their peaceful relationship by forgetting the said unfortunate assault incident.

7. The applicants along with non-applicant no.2 are personally present before the Court. In order to satisfy ourselves, we have personally talked with non-applicant no.2. Mrs. K.S. Joshi, learned Public Prosecutor though fairly accedes for quashing the aforesaid F.I.R. lodged against the applicants, however, urged to impose costs on the applicants for being used police machinery up to the stage of filing of the charge-sheet.

8. Having regard to the fact of settlement between the accused and the victim, who are the blood relatives and having regard to the nature of injuries i.e. abrasion and the ratio laid down by the Hon'ble Apex Court in the case of Narinder Singh and others Vs. State of Punjab and another reported in (2014) 6 SCC 466, we find that allowing to continue criminal proceedings against the applicants would be an abuse of process of law and hence we are inclined to quash the F.I.R. along with Regular Criminal Case No.26 of 2018. Consequently, we pass the following order:

ORDER

First Information Report No.427 of 2017 registered at Police Station, Tumsar, District Bhandara for the offences punishable under Sections 326, 506 read with Section 34 of the Indian Penal Code and the proceedings thereunder i.e.

Regular Criminal Case No.26 of 2018 pending on the file of learned Judicial Magistrate First Class, Tumsar, District Bhandara are hereby quashed, subject to payment of costs of Rs.60,000/-, i.e. Rs.20,000/- each by the applicants, payable to the High Court Legal Services Sub-Committee, Nagpur.

The application stands disposed of.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

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