

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

CRIMINAL APPLICATION (APL) NO.881 OF 2015

1. Prabhakar Janglu Wakode,
2. Shatrughan Wakode,
3. Vijay Shatrughan Wakode,
4. Sheshrao Shatrughan Wakode,
5. Dinkar Jaglu Wakode,
6. Renuka Dinkar Wakode,
7. Sau. Prabha Wadu Shekode,
All Aged : Major, R/o. Malegaon
Gond, District : Buldana.

....APPLICANTS

---- VERSUS ----

1. State of Maharashtra,
Through Police Station Nandura,
District : Buldana.
2. Ku. Archana Samadhan Wakode,
R/o. Malegaon Gond, District :
Buldana.

.... NON-APPLICANTS

Shri S. V. Sirpurkar, Advocate for the applicants.
Shri T. A. Mirza, A.P.P. for the non-applicant No.1/State.
Shri V. K. Paliwal, Advocate for the non-applicant No.2.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 11.03.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.
2. By this application under Section 482 of the Code of Criminal Procedure, the applicants have challenged registration of the First Information Report No.151/2015 dated 04.11.2015

registered with the non-applicant No.1-Police Station for the offences punishable under Sections 452, 354, 324, 143, 147, 148 and 149 of the Indian Penal Code.

3. On 07.06.2016, this Court admitted the present application. During pendency of the present application, the parties have mutually resolved their dispute. The non-applicant No.2 has filed affidavit dated 11.03.2021 stating that the First Information Report came to be registered due to petty quarrel between the neighbour which has now been resolved. It is stated in the affidavit that the applicants and the complainant have no criminal antecedents and are peaceful and law-abiding citizens. It is requested by way of the said affidavit that the First Information Report to be quashed.

4. We have carefully considered the allegations in the First Information Report. On scrutiny of the First Information Report, it appears that the allegations against the applicants are personal in nature. The investigation is at initial stage. The charge-sheet has not yet filed against the applicants. Since the non-applicant No.2 has resolved their dispute peacefully, the chances of conviction are bleak.

5. The Hon'ble Apex Court in the case of ***Madan Mohan Abbot Vs. State of Punjab*** reported in ***(2008) 4 SCC 582*** has held

that the criminal Courts are already burdened and when the parties have settled their dispute and chances of conviction are bleak, it is not advisable to continue with the criminal proceedings, as the criminal Court has already over burden. In view of the ratio of the Hon'ble Apex Court in the case of ***Madan Mohan*** (cited supra), there is no impediment in quashing of the First Information Report registered against the applicants.

6. We therefore, pass the following order :

The First Information Report No.151/2015 dated 04.11.2015 registered with the non-applicant No.1-Police Station for the offences punishable under Sections 452, 354, 324, 143, 147, 148 and 149 of the Indian Penal Code is quashed and set aside.

Rule is made absolute in the above terms.

JUDGE

JUDGE