

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

**CRIMINAL APPLICATION (APL) NO. 86 OF 2022**

Shankar Dhanraj Jadhav,  
Aged about 45 years,  
Occ. : Jr. Administrative Officer,  
P. S. Karanja,  
R/o. Manikdoh, Tah. Pusad,  
Dist. Yavatmal.

---APPLICANT

---VERSUS---

1. State of Maharashtra,  
Through P. S. O., Pusad (Rural),  
Tah. Pusad, Dist. Yavatmal.

2. Sau. Manda Shankar Jadhav,  
Aged about 35 years,  
Occ. : Housewife,  
R/o. Manikdoh, Tah. Pusad,  
Dist. Yavatmal.

---NON-APPLICANTS

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Mr. V. N. Patre, Advocate for the Applicant.

Mr. S. S. Doifode, Additional Public Prosecutor for the Non-applicant/State.  
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**CORAM : V. M. DESHPANDE AND  
AMIT BORKAR, JJ.**

**DATE : 14.03.2022.**

**JUDGMENT : (PER - AMIT BORKAR, J.)**

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicant is challenging registration of the

First Information Report bearing No.494/2021 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 279, 337 of the Indian Penal Code. The offence under Section 307 of the Indian Penal Code has been added later i.e. on 26.10.2021 against the applicant.

4. The applicant is husband of the non-applicant No.2.

5. The First Information Report came to be registered against the applicant with the accusations that on 16.10.2021, the applicant drove vehicle along with non-applicant No.2 and their children in rash and negligent manner, resulting into accident and causing injury to the head and hand of the non-applicant No.2. The non-applicant No.2, therefore, registered the First Information Report for rash and negligent driving of the applicant and the Investigating Agency thereafter added Section 307 of the Indian Penal Code.

6. During the pendency of the present application, the applicant and the non-applicant No.2 have arrived at settlement and the applicant has given undertaking on Annexure-5 to this application stating that he shall not harass the non-applicant No.2. Non-applicant No.2 has also given undertaking stating that she will treat the relatives of the applicant properly. Both the undertakings are accepted.

7. In view of the settlement between the applicant and the non-applicant No.2 in the form of deed of settlement dated 02.12.2021, we are satisfied that the First Information Report registered against the applicant deserves to be quashed and set aside.

8. Though, Section 307 had been added subsequently, on consideration of material, we are satisfied that the ingredients of the offence punishable under Section 307 of the Indian Penal Code are not at all fulfilled.

9. The decision of the Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & anr.* reported in *(2014) AIR SCW 2065*, 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.

10. 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 Sections 307 of the Indian Penal Code are not fulfilled. Since the applicant and the non-applicant No.2 have mutually resolved their dispute, chances of conviction are bleak.

11. We therefore, satisfied that there is no impediment for quashing the First Information Report against the applicant.

12. We therefore, pass following order :

The First Information Report bearing No. 494/2021 dated 16.10.2021 registered with the non-applicant No.1 – Police Station against the applicant for the offences punishable under Sections 279, 337 and 307 of the Indian Penal is quashed and set aside.

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

**JUDGE**

**JUDGE**