

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

CRIMINAL APPLICATION (APL) NO. 224 OF 2022

1. Damandeep @ Micky Bawa S/o
Satnamsingh Bawa, Aged 28 years, Occ.
Business, R/o Plot No.401, Sai Baba,
Premji Tower, In Front of Panchpaoli
Police Station, Nagpur.
2. Boney Singh S/o Bhupinder Singh,
Aged about – 27 years, Occupation -
Insurance Work, R/o- Plot
No.1129, Aashi Nagar, Panchpaoli,
Nagpur.

.....APPLICANTS

Vs.

State of Maharashtra, through
Police Station Sadar,
District- Nagpur.

..... NON-APPLICANT

Mr. S. Bodalkar, Advocate for the Applicants.

Mr. S.S. Doifode, Additional Public Prosecutor for the Non-applicant/State.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 24.03.2022

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 applicants are jointly challenging registration of First Information Report bearing No.480/2018 along with charge-sheet bearing No.73/2020 dated 22.09.2020 registered with non-applicant – Police Station for the offence punishable under Sections 324 and 506-B of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant No.1 with an accusation that wrist watch of the complainant was missing and therefore, the applicant No.2 lodged report with the Investigating Agency. The Investigating Agency after completion of investigation, filed charge-sheet against the applicant No.1. During pendency of proceedings before the trial Court, the applicants arrived at settlement and mutually resolved their dispute.

5. The applicants have, therefore, challenged registration of the First Information Report along with subsequent charge-sheet, by way of filing present application. It has been stated that the registration of the offence is out of confused state of mind and due to misunderstanding of applicant No.2. It is stated that the applicants mutually settled their dispute and applicant No.2 has no objection for quashing the First Information Report along with the charge-sheet.

6. We have carefully considered the allegations in the First Information Report and along with material in the form of charge-sheet. We are satisfied that the averments in the First Information Report along with charge-sheet are not sufficient to constitute the offence alleged against the applicants.

7. 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 decline to quash the First Information Report merely because the First Information Report incorporates a particular provision which is a serious offence or an 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 an 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.

8. From the perusal of the First Information Report and the material produced in the Court, we are satisfied that the ingredients of the offences under Sections 324 and 506-B of the Indian Penal Code are not fulfilled. Further, since the applicant Nos.1 and 2 have mutually resolved their dispute, chances of conviction are bleak.

9. In view of the judgment of the Hon'ble Apex Court in the case of *Narinder Singh & others (supra)* and the amicable settlement of dispute between the parties, we are satisfied that there is no impediment in quashing First Information Report along with the charge-sheet registered against the applicant No.1.

10. We therefore pass following order :

First Information Report bearing No. 480/2018 along with charge-sheet bearing No.73/2020 dated 22.09.2020 registered with non-applicant – Police Station for the offences punishable under Sections 324 and 506-B of the Indian Penal Code are quashed and set aside subject to condition that the applicant No.1 shall deposit an amount of Rs.10,000/- with High Court Legal Service Sub Committee, Nagpur within two weeks. In case of failure to deposit Rs.10,000/- with High Court Legal Service Sub Committee, Nagpur, present order of quashing the First Information Report and charge-sheet would stand recalled without further reference of this Court.

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

JUDGE

JUDGE