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

CRIMINAL APPLICATION (APL) NO. 174 OF 2020

1. Tanmay S/o Arun Darokar,
   Aged about 21 years,
   Occupation : Student,
   R/o. Ramjibaba Chowk, Morshi,
   Tah. Morshi Dist., Amravati.

2. Akash S/o Ashok Jaisingpure,
   Aged about 23 years,
   Occupation : Student,
   R/o. Mahavir Nagar, Darwha,
   Tah. Darwha, Dist. Yavatmal.

3. Kunal S/o Premchand Rathod,
   Aged about 21 years,
   Occupation : Student,
   R/o. Khumbharkinhi, Tah. Darwha,
   Dist. Yavatmal.

4. Amit S/o. Anant Mhaske,
   Aged about 22 years,
   Occupation : Student,
   R/o. Sai-Villa Apartment, Waghapur Road,
   Yavatmal, Tah. and Dist. Yavatmal.

5. Solomon S/o David Salve,
   Aged about 23 years,
   Occupation : Student,
   R/o. Tapovan, Near Hanuman Temple
   S.R.P. Colony, Amravati, Dist. Amravati. **--APPLICANTS**

---VERSUS---

1. The State of Maharashtra,
   Through Police Station Officer,
   Gadge Nagar Police Station, Amravati,
   Tah. and Dist. Amravati.

2. Dr. Veda Poulraj Vivek,
Aged about 47 years,
Occupation : Principal,
R/o. C/o. Dr. Panajabrao Deshmukh
Nursing Institute, Shivaji Nagar, Amravati,
Tah. and Dist. Amravati. **--NON-APPLICANTS**

Mr. N. B. Kalwaghe, Advocate for the Applicants.
Mr. T. A. Mirza, Addl. Public Prosecutor for the Non-applicant/State.
Mr. A. B. Patil, Advocate for Non-applicant No.2.

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

DATE : 04.04.2022.

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 challenging registration of the First Information Report bearing No.482/2019 registered with the non-applicant No.1 – Police Station against the applicants for the offences punishable under Sections 452, 143, 147, 148, 149, 323 and 109 of the Indian Penal Code and Section 135 of the Bombay Police Act.

4. The First Information Report came to be registered against the applicants with the accusations that the applicants entered into the college of which the non-applicant No.2/complainant is Principal and started assaulting the complainant. At that time, the other staff members intervened and rescued the non-applicant No.2/complainant.

5. The applicants have therefore challenged registration of the First Information Report by filing present application. This Court on 17.02.2020 issued notice for final disposal to the non-applicants. In pursuance of the same, the Investigating Agency has filed reply stating that there is a *prima facie* case against the applicants.

6. The non-applicant No.2 has filed affidavit dated 04.04.2022 stating that the applicants have undertaken that they would not repeat such mistake or act in future.

7. During the pendency of the present application, the applicants and the non-applicant No.2 have amicably resolved their dispute. Applicants were present before this Court on the last occasion. The non-applicant No.2 is present in the Court today and stated that he does not want to proceed with the

prosecution and he has no objection if the First Information Report lodged against the applicants is quashed.

8. We have carefully scrutinized the allegations in the First Information Report along with the reply filed by the Investigating Agency. On careful perusal of the material on record, we are satisfied that the essential ingredients of the offences alleged against the applicants are not fulfilled, even if, the allegations are taken on their face value.

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. In view of the amicable resolution of dispute between the applicants and the non-applicant No.2, undertaking by the applicants not to repeat such acts in future and in view of the judgment of the Hon'ble Apex Court in the case of ***Narinder Singh*** *(supra),* we are satisfied that there is no impediment for quashing the First Information Report against the applicants.

11. We therefore, pass following order :

Rule is made absolute in terms of prayer clause – b, which reads as under :

> *"be please to quash and set aside First Information Report dated 26.04.2019 in Crime No.482/2019 (ANNEXURE-A) which came to be registered against the applicants by the respondent No.1 i.e. Police Station Officer, Gadge Nagar Police Station, Amravati for the offences punishable u/s 452, 143, 147, 148, 149, 323 and 109 of Indian Penal Code and also u/s 135 of Bombay Police Act."*

12. Pending application(s), if any, stand(s) disposed of.

JUDGE **JUDGE**

Digitally signed byRANJANA MANOJ MANDADE
Signing Date:07.04.2022 15:05