

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.445/2022

1. Suresh S/o Kisan Meshram,
aged 42 Yrs. Occ. Labour,
R/o Gulmohar Nagar,
C/o Mahesh Chourasiya,
Bharatwada Road, Kalamna,
Nagpur, Dist. Nagpur.
2. Pushpa S/o Khilwat Lahare,
aged 36 Yrs. Occ. Housewife,
R/o Plot No.390, Gulmohar Nagar,
Bharatwada Road, Kalamna,
Nagpur, Dist. Nagpur.
3. Bhupesh S/o Sushil Shahu,
aged 22 Yrs. Occ. Labour,
R/o Gulmohar Nagar,
C/o Mahesh Chourasiya,
Bharatwada Road, Kalamna,
Nagpur, Dist. Nagpur.
4. Shubham S/o Rajni Shahu,
aged 20 Yrs. Occ. Labour,
R/o Gulmohar Nagar,
C/o Mahesh Chourasiya,
Bharatwada Road, Kalamna,
Nagpur, Dist. Nagpur.

... Applicants

- Versus -

1. State of Maharashtra,

through Police Station Officer,
Police Station, Kalamana, Nagpur,
Dist. Nagpur.

... Non-applicants

Ms. Sunita Kulkarni, Advocate with Mr. S.D. Chande, Advocate
for the applicants.
Mr. I.J. Damle, A.P.P. for the non-applicant.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 7.7.2022

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard
finally by consent.

2. The offence registered against applicant Nos.3 and 4 on the basis of the F.I.R. lodged against them by applicant Nos.1 and 2 are under Sections 294, 323, 324, 326, 504 and 506(2) read with Section 34 of the Indian Penal Code at Police Station Kalmana vide Crime No.0163/2022, which offence was

registered against applicant Nos.3 and 4 at the behest of applicant Nos.1 and 2 and it is quite serious in nature. Ordinarily, for the serious crimes, the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure would not be exercised, unless the Court is satisfied that the incident has occurred due to some misunderstanding between the victim and the accused or the dispute is of such a nature that it is capable of being categorized as a private dispute not entering into the public domain.

3. In the present case, applicant Nos.1 and 2, victims of crime, have amicably settled their dispute with applicant Nos.3 and 4 and they have given their justification for such settlement.

4. Perusal of the averments made in the application shows that the applicant Nos.1 and 2 are the neighbour of applicant Nos.3 and 4 and the applicants are desirous of maintaining cordial and healthy relations between them. They are of the opinion that the

criminal proceedings arising out of the crime registered against applicant Nos.3 and 4 are coming in the way of cordiality of their *inter se* relations. It also appears that all the applicants are desirous of spending their life as good neighbours as well as they want to continue to be the neighbours. This justification, in our opinion, has made the dispute between applicant Nos.1 and 2 on one hand and applicant Nos.3 and 4 on the other as a private dispute between them. Of course, learned A.P.P. has opposed the application contending that crime, *prima facie*, committed by applicant Nos.3 and 4 has a potential of affecting society at large. We would have accepted this contention but for the justification given by the applicants for reaching the amicable settlement between them, which has been accepted by us, and so the contention of learned A.P.P. is rejected.

5. In the result, we find that this application deserves to be allowed by exercising inherent jurisdiction of this Court

particularly in the interest of applicant Nos.1 and 2 and thus, ultimately, in the interest of justice.

6. The application is **allowed**.

7. The Crime No.0163/2022 and criminal proceedings thereafter in R.C.C. No.2076/2022 are hereby quashed and set aside subject to the condition that applicant Nos.3 and 4 shall deposit amount of ₹10,000/- (Ten Thousand Only) in the account of Central Prison, Nagpur for the purpose of development of library for jail inmates within a period of two weeks from the date of the order, failing which this order shall stand cancelled automatically and this application shall stand restored to the original file and would be dealt with in accordance with law.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR

Private Secretary
Date: 07.07.2022 17:50