

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

CRIMINAL APPLICATION (APL) NO. 415 OF 2019

1. Pramod s/o Shankar Dongre
Aged about 50 years, Occ: Agriculturist,

2. Bhushan s/o Pramod Dongre
Aged 24 years, Occ: Education,

3. Praful Pramod Dongre,
Age 21 years, Occ: Education
All R/o Wadegaon, Tq. Balapur,
District Akola.

---APPLICANTS

---VERSUS---

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Balapur, District Akola

2. Yogesh s/o Jagdeorao Rahudkar,
Age 28 years, Occ: Agriculturist,
R/o Wadegaon, Tq. Balapur,
District Akola.

--NON-APPLICANTS

Shri U.J. Deshpande, Advocate for the Applicants.
Shri S.S. Doifode, Additional Public Prosecutor for Non-applicant No.1/State.
Ms Garima Jain, Advocate h/f Shri S.V. Sirpurkar, Advocate for Non-applicant
no.2.

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

DATE : 11th APRIL, 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.35 of 2019 dated 25.01.2019 registered with the non-applicant no.1 – Police Station for the offences punishable under Sections 307, 387, 342,452,294,323 read with Section 34 of the Indian Penal Code.
4. The First Information Report (FIR) came to be registered against the applicants with the accusations that applicants assaulted non-applicant no.2 and threatened to commit murder of non-applicant no.2.
5. The applicants have filed present application challenging the FIR.
6. This Court on 23.04.2019 issued notices to the non-applicants. In pursuance of which, the non-applicant no.1-investigating agency has filed reply.

7. During the pendency of the present application, the applicants and non-applicant no.2 have mutually arrived at settlement. The applicants and non-applicant no.2 are present in the Court. The non-applicant no.2 has stated that the matter is amicably settled.

8. We have carefully scrutinized First Information Report and the reply filed by the non-applicant no.1. On careful perusal, we are satisfied that essential ingredients of offences alleged against the applicants are not fulfilled. We have also considered the nature of injuries alleged against the applicants. We are satisfied that considering the nature of injuries ingredients of the offence alleged against the applicants are not attracted.

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 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.

8. In view of amicable resolution of dispute between the applicants and non-applicant no.2, there is no impediment for quashing the First Information Report against the applicants.

9. We therefore pass the following order :

First Information Report bearing No.35 of 2019 dated 25.01.2019 is quashed and set aside.

The applicants shall deposit an amount of ₹25,000/- (Rupees Twenty Five Thousands only) to the High Court Legal Services Sub-Committee, Nagpur within a period of two weeks from today. In case of failure to deposit the amount as directed, the present order setting aside the FIR stands recalled without further reference to the Court.

Place this application on 29.04.2022 for compliance.

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

JUDGE

JUDGE