

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

CRIMINAL APPLICATION (APL) NO. 603 OF 2019

1. Hemant s/o. Raju Tiwari,
Age : 20 Years, Occ. : Students,
Permanent Resi. of Biyani Nagar,
Behind Old Bus Stand, Malegaon,
Dist. : Washim.

2. Abhishek s/o. Devidas Dabhade,
Age : 19 Years, Occ. : Student,
Permanent R/of Deomali,
Tq. Achalpur, Dist. : Amravati

--APPLICANTS

---VERSUS---

1. State of Maharashtra,
Through Police Station Officer,
Gadge Nagar, Amravati,
Tq. & Dist.: Amravati.

2. Dr. Veda Poulraj Vivek,
Age : 47 Years, Occ : Principal,
C/o. Dr. Panjabrao Deshmukh Nursing
Institute, Shivaji Nagar, Gadge Nagar,
Amravati, Tq. & Dist. Amravati.

--NON-APPLICANTS

Mr. D. S. Khushalani, 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 25.07.2019 issued notice 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. The applicants have also filed their affidavits dated 28.01.2020, stating therein that they will not commit any such type of criminal act or will not indulge themselves in any such type of criminal activities.

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 (a), which reads as under :

“Quash and set aside the FIR registered in the present matter vide Crime No. 0482/2019 (ANNEXURE-A), registered with the Gadde Nagar Police Station, Amravati, Tq. & Dist : Amravati dated 26/4/19 for the offences punishable under Section 452, 143, 147, 148, 149, 323, 109 of Indian Penal Code and under Section 135 of Bombay Police Act, in the peculiar facts and circumstances of the case stated hereinabove and in the interest of Justice.”

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

JUDGE

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