

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

CRIMINAL APPLICATION (APL) NO.966 OF 2022

{Kamal Rameshlal Gulani and Anr. ..Vrs.. State of Maharashtra and
Anr.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms N. S. Pathan, Advocate for the Applicants.
Shri A. S. Fulzele, Addl. P. P. for the Respondent no.1/State.

**CORAM : MANISH PITALE AND
VALMIKI SA MENEZES, J.J.**

DATE : 11th AUGUST, 2022.

. At the outset, the learned counsel appearing for the applicants submits that inadvertently a joint application came to be filed in the present case. Leave is sought to transpose applicant no.2 as respondent no.2, as he is the original informant/complainant.

2. On the oral prayer, leave is granted to carry out the transposition.

3. The amendment be carried out forthwith.

4. Heard finally with consent of the learned counsel appearing for the parties.

5. In this application, quashing of FIR bearing no.3102 of 2007 dated 08.04.2007, registered at Police Station

Jaripatka, Nagpur, is sought along with quashing of charge-sheet filed in pursuance of completion of investigation.

6. It is submitted that the First Information Report (FIR) stood registered as a result of minor quarrel between the applicants and respondent no.2, arising from a game of cricket. It is submitted that a minor dispute snowballed into the aforesaid registration of FIR and consequent filing of charge-sheet. It is submitted that the incident is of the year 2007 and with passage of time, the parties have come round to settling the dispute and that the respondent no.2 i.e. the original informant/complainant has no objection for allowing the prayer for quashing of FIR and charge-sheet made on behalf of the applicants.

7. The learned counsel appearing for the applicants submits that this Court may exercise inherent power under Section 482 of the Criminal Procedure Code (Cr.P.C.) for quashing of FIR and charge-sheet, considering the peculiar facts and circumstances of the present case, as no purpose would be served in sending the matter to trial. Reliance is placed on *State of Madhya Pradesh ..Vrs.. Laxmi Narayan*

and others, 2019 (5) SCC 688.

8. Shri Fulzele, learned Additional Public Prosecutor has appeared on behalf of the respondent no.1/State and he is unable to dispute the proposition of law laid down by the Hon'ble Supreme Court in the aforementioned judgment.

9. In the aforesaid case of State of **State of Madhya Pradesh ..Vrs.. Laxmi Narayan and others** (supra), the Hon'ble Supreme Court has taken into consideration the earlier judgments in the cases of *Gian Singh ..Vrs.. State of Punjab and another, 2012 (10) SC 303*, and *Narinder Singh and others ..Vrs.. State of Punjab, 2014 (6) SCC 466*.

It was found that in the case of **Narinder Singh ..Vrs.. State of Punjab** (supra), it was reiterated that the High Court can indeed exercise inherent power to quash FIR concerning even those offences, which are not compoundable, provided such an order meets the ends of justice and prevents the abuse of the process of any Court. It was also emphasized that the High Court would examine the possibility of conviction and if it was found that the same was remote and bleak and continuation of the criminal case would put the

accused to great oppression and prejudice and extreme injustice would be caused by not quashing the criminal case, such power could be exercised. The said position was clarified and further reiterated in paragraph 15 of the said judgment in the case of **State of Madhya Pradesh ..Vrs.. Laxmi Narayan and others** (supra).

10. Applying the said position of law to the admitted facts of the present case and taking the contents of the FIR and charge-sheet as it is, we find that this is an appropriate case for exercising power for quashing the FIR and charge-sheet. The FIR stood registered as a result of a trivial dispute between the parties during the course of a cricket match. The incident itself is of the year 2007 and with passage of time, the parties have come round to settling their dispute. It is found that the dispute is essentially of a private nature and that it does not involve any heinous or serious offence.

11. We are of the opinion that the stand taken by the respondent no.2 i.e. the original informant/complainant clearly demonstrates that the possibility of conviction is

remote and bleak and that sending the matter to trial would only lead to harassment to the applicants as well respondent no.2. Therefore, it is the fit case to apply the settled position of law to quash the FIR and charge-sheet. Accordingly, the criminal application is **allowed** in terms of prayer Clause (1), which reads as follows :

“(1) quash Regular Criminal Case No.2542/2007 filed against the applicants Nos.1 under Sections 294, 506, 323 r/w 34 of IPC and pending on the file of 18th Jt. Civil Judge Junior Division and JMFC, Nagpur.”

12. It is made clear that the present order is passed only in respect of the applicants before this Court and not in respect of other accused persons named in the FIR.

13. Application stands disposed of.

(VALMIKI SA MENEZES, J.) (MANISH PITALE, J.)

TAMBE