

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

CRIMINAL APPLICATION (APL) NO. 1341/2022

Shri Sudhir S/o. Madanlal Gupta,
Aged about 56 years, Occu: Business
Resident of 401, Bhagyashree
Apartments, Ramdaspath, Nagpur.

..... APPLICANT

// VERSUS //

1. State of Maharashtra,
Through P.S.O. Pachpaoli Police
Station, Nagpur.

2. XYZ,
in FIR No. 248/2017
P.S.O. Pachpaoli Police Station,
Nagpur.

.... NON-APPLICANT(S)

Mr. D.J. Sindhu, Advocate for the applicant
Mr. I.J. Damale, APP for non-applicant no. 1
Mr. Shyam Dewani, Advocate for non-applicant no. 2

**CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, J.J.**

DATED : 08/12/2022

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

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

2. It is stated by the learned Counsel for the applicant and
non-applicant no. 2 that Crime No. 248/2017 registered for the offences

punishable under Sections 376 and 506 (B) of the Indian Penal Code, 1860 (for short the “IPC”) at Police Station Pachpaoli, Nagpur was a result of mis-understanding between the applicant and non-applicant no. 2, which mis-understanding arose out of their private dispute. This is also the submission of the applicant and non-applicant no. 2, who are personally present before this Court and they are identified by their respective Counsel. The non-applicant no. 2 points out that she has already filed an affidavit in reply stating all these facts and she further states that she would have no objection, if the application is allowed.

3. The learned APP for non-applicant no. 1 submits that an appropriate order in the matter be passed.

4. We are satisfied that the dispute which lies at the core of the crime registered against the applicant in this case is of a private nature and, therefore, it is a fit case for making interference. Accordingly, the application is allowed in terms of prayer clauses (a), which reads as under:

“a) Quash FIR No. 248/2017 dated 14/3/2017 registered at the instance of Non-Applicant No. 2 with Non-applicant No. 1-Panchpaoli Police Station as well as the Chargesheet (ANNEXURE No-A) in Sessions Trial Case No. 499/2017 arising out of FIR No-248/2017, and which is pending on the files of Hon’ble Additional District and Sessions Judge, Nagpur and fixed on 21/7/2022 in the peculiar facts and circumstances of the case;”

This is, however, subject to condition that the applicant shall deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) and non-applicant no. 2 shall deposit an amount of Rs.5,000/- (Rupees Five Thousand only) as a cost of the litigation, in the account of the Office of the Government Pleader, High Court of Bombay, Nagpur Bench, Nagpur within a period of two weeks from the date of the order, failing which, these amounts shall be recovered by the Registry in accordance with law by treating it as fine imposed by this Court.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

**SANDIP
MAHADEV
GATE**

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV GATE
Date: 2022.12.09 14:52:47
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