

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

CRIMINAL APPLICATION (APL) NO.1029 OF 2022.

APPLICANTS :-

1. Parvez Azizbhai Opai,
Aged 52 years, Occup. Advocate,
2. Sana Parvez Opai,
Aged 45 years. Occup. House wife,
Both R/o Flat No.401, Leela Orchid 15,
Clarke town, Nagpur.

...VERSUS...

NON APPLICANTS. :-

1. State of Maharashtra,
Through the Police Station Officer,
Jaripatka Police Station Nagpur.
2. Vaishali Vaibhav Shukla
R/o Plot no.520, Mohan Nagar, P.K.Salve
Road,Sadar, Nagpur.

Mr. M.D.Opai, counsel for the applicants.
Mr.I.J.Damle, APP for the State non applicant No.1.
Mr.S.G.Karmarkar, counsel for Non applicant No.2.

**CORAM : SUNIL B.SHUKRE &
M.W.CHANDWANI, JJ.**

DATE : 20.12.2022.

O R A L J U D G M E N T (Per :Sunil B.Shukre, J.)

(1) Heard.

(2) Rule. Rule made returnable forthwith. Heard finally by

consent of the learned counsel appearing for the parties.

(3) The applicants and non applicant No.2 have reached an amicable settlement in terms of the compromise pursis filed on record which is marked as 'A' for identification. They are personally present before the Court and are identified by their respective counsel. They state that due to mediation efforts, they have amicably settled their dispute in between them and all the terms and conditions thereof are acceptable to them. They also submit that they have decided to bury their differences and they wish to live harmonious and peaceful life in future.

(4) We are satisfied about the voluntary nature of the compromise reached between the parties. It also shows that underlying the criminal cases registered against the applicants at the behest of non-applicant No.2 there is a private dispute therefore, this is a fit case for quashing and setting aside the criminal proceedings by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Accordingly, the application is allowed in terms of prayer clause (a) which reads as under.

“a. Quash and set aside the FIR and Charge sheet registered in the present matter vide charge sheet No.637 of 2014 registered with the Police Station, Jaripatka, Nagpur for the offence punishable under Section under 294,506,323,427,34 of I.P.C ,in the peculiar facts and circumstances of the case stated hereinabove and in the interest of justice”.

(5) This order is subject to the condition that the applicants shall deposit an amount of Rs.5,000/- and non-applicant No.2 shall deposit an amount of Rs.5,000/- as costs in the account of the Office of the Government Pleader, High Court Bombay, Bench at Nagpur so as to form part of the library fund, for the purpose of development of library within a period of two weeks from the date of the order, failing which the Registry shall treat the costs so imposed upon the respective parties as fines imposed by this Court and shall proceed to recover the same in accordance with law.

(6) Rule is made absolute in the above terms.

(M.W.CHANDWANI,J)

(SUNIL B. SHUKRE,J)

Kavita
Signed By:KAVITA PRAVIN
TAYADE
P. A.

Signing Date:20.12.2022 18:18