

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

**CRIMINAL APPLICATION (APL) NO. 928 OF 2019**

**APPLICANTS:**

1. Ghanshyam s/o Dadaji Thombre,  
Aged about 38 years, Occupation:  
Government Servant (Range Forest  
Officer-Kuhi Wildlife, Umred-  
Pauni-Karandhla Wildlife  
Sanctuary), R/o c/o Dr. Wadhawe,  
At post Mandhal, Taluka-Kuhi,  
District Nagpur.
2. Pramod s/o Narayan Jadit,  
Aged about 33 years, Occupation:  
Government Servant (Forest Guard -  
Kuhi Wildlife, Umred – Pauni-  
Karandhla Wildlife Sanctuary),  
R/o Balaji Nagar, Tahsil, Umred,  
District Nagpur.

**...VERSUS...**

**NON-APPLICANTS**

1. The State of Maharashtra,  
through Police Station Officer,  
Police Station Umred,  
District Nagpur.
2. Arun s/o Natthuji Shelke,  
Aged about 60 years, Occupation:  
Agriculturist, R/o Village Tarna,  
Kuhi, Tahsil- Umred, District  
Nagpur.

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 Shri Kartik Shukul, counsel for the applicants.  
 Shri M.K. Pathan, APP for the Non-applicant No.1.  
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**CORAM : ROHIT B. DEO & ANIL L. PANSARE, JJ**  
**DATE : 07 /09/2022**

**ORAL JUDGMENT : [PER ANIL L. PANSARE, J]**

1. Heard Shri Kartik Shukul, learned Counsel for applicants and Shri M.K. Pathan, learned APP for non-applicant No.1.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

3. The applicants have filed this application, seeking directions for quashing of First Information Report bearing Crime No. 674/2019 dated 26/08/2019 registered with Police Station, Umred, District-Nagpur for the offences punishable under Sections 323, 324, 504 and Section 34 of the Indian Penal Code, 1860.

4. The learned counsel for the applicants and the learned counsel for the non-applicant No.2 state in unison that the crime is registered in view of some misunderstanding and in view of the fact that the applicants were not aware that the said sanctuary was reserved hence they were grazing and feeding their cattles there. The applicants and non-applicant No.2 are jointly requesting that Crime No. 674/2019 registered at Police Station, Umred, Tah. Umred, District Nagpur be quashed since the dispute is amicably resolved between the parties vide terms of settlement dated 29/07/2022.

5. The learned counsel for the parties before us would submit that the matter has been amicably settled and, therefore,

First Information Report registered against the Applicants may be quashed and set aside.

6. The Hon'ble Supreme Court of India in the case of ***State of Madhya Pradesh V/s Laxmi Narayan and others (Criminal Appeal No. 349 of 2019)***, while dealing with the power of High Court under Section 482 of the Code of Criminal Procedure has been pleased to summarize the law in paragraph 13 on the point of quashing of First Information Report where the complainant has entered into compromise with the accused. Paragraph 13 read thus:

- i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;*
- ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;*
- iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;*
- iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under [Section 307 IPC](#) and/or the [Arms Act](#) etc. which have a serious impact on the society cannot be quashed in exercise of powers*

*under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated herein above;*

*v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.*

7. Having considered the material placed before us in the backdrop of the above ruling and having heard both the side, it is quite obvious that the present dispute arises out of misunderstanding. The dispute is private in nature and has no

serious impact on the society. The parties intend to put to rest the disputes and to live peaceful life henceforth. The non-applicant No.1- State of Maharashtra has not placed on record any material to show that the Applicants have any criminal antecedents. The settlement arrived at between the parties appears to be genuine. In the circumstances, it would be in the interest of justice that the settlement arrived at between the parties, is given effect to.

8. At the same time, cost is required to be saddled on the applicants and the non-applicant No.2 for using the police and judicial mechanism for settling their personal disputes.

9. Accordingly and taking aid of the judgment in the case of State of Madhya Pradesh (supra), we proceed to pass following order:

### **ORDER**

(i) The First Information Report bearing Crime No. 674/2019 dated 26/08/2019 registered with the Police Station, Umred, Tah. Umred, District Nagpur for the offences punishable under Sections 323, 324, 504 and Section 34 of the Indian Penal Code, 1860 are hereby quashed and set aside, subject to costs as follows:

(ii) The applicants and the non-applicant No.2 shall pay costs of Rs. 20,000/- (Rupees Twenty Thousand only) each with the Registry of this Court in the next three weeks. If the amount is

deposited, the same shall be transferred to the account of the Police Welfare Fund, Nagpur City. Receipt thereof be produced before the Court within four weeks from today.

10. The criminal application is disposed of in the above terms.

**[ANIL L.PANSARE, J.]**

**[ROHIT B.DE0, J.]**

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