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

CRIMINAL APPLICATION (APL) NO.139 OF 2022

1. Firoz Khan s/o Mushtak Khan,
Aged about 25 years, occupation : labour.

2. Asif Khan s/o Nasib Khan,
Aged about 38 years, occupation : labour.

3. Rashid Khan s/o Nasib Khan,
Aged about 28 years, occupation : labour.

4. Anwar Khan s/o Salabat Khan,
Aged about 36 years, occupation : labour.

5. Bismillaha Khan s/o Mushtak Khan,
Aged about 28 years, occupation : labour.

6. Nasir Khan s/o Hafizullah Khan,
Aged about 50 years, occupation : labour.

7. Arif Khan s/o Nasib Khan,
Aged about 32 years, occupation : labour.

All r/o Mominpura Patur, taluka Patur,
District Akola.

8. Chandu Shekuwale s/o Peeru Shekuwale,
Aged about 48 years, occupation service,
R/o Abrar Colony taluka Patur,
District Akola.

..... **Applicants.**

:: V E R S U S ::

The State of Maharashtra,
Through P.S.O. Patur, District Akola. **Non-applicant.**

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Shri A.A.Syed, Counsel for Applicants.

Shri M.K.Pathan, Additional Public Prosecutor for Non-applicant/State.

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CORAM : **V.M.DESHPANDE & AMIT B.BORKAR, JJ.**
DATE : **APRIL 01, 2022**

ORAL JUDGMENT (Per : Amit B.Borkar, J.)

1. Heard learned counsel Shri A.A.Syed for applicants and learned Additional Public Prosecutor Shri M.K.Pathan for the non-applicant/State. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel appearing for parties.

2. By this application, under Section 482 of the Code of Criminal Procedure, applicant Nos.1 to 7, who are accused, and applicant No.8, who is complainant, pray for quashing of criminal proceeding arising out of Crime No.80/2013 pending before learned Judicial Magistrate First Class, Patur as RCC No.191/2014 registered with non-applicant-Patur Police Station, Akola for offences punishable under Sections 143, 147, 395, 341, 504, and 506 of the Indian Penal Code.

3. The First Information Report came to be registered against applicant Nos.1 to 7 with allegations that they threw chilly powder in eyes of applicant No.8, spilled liquid on his private part, and also applicant No.1 snatched Rs.20,000/- from pocket of applicant No.8. Investigating agency carried out investigation and recorded statements of eyewitnesses. After completion of investigation, the investigating

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agency filed chargesheet against applicant Nos.1 to 7.

4. During pendency of the proceeding, applicant Nos.1 to 7 and applicant No.8 arrived at an amicable settlement between them as per a Compromise Deed. The said Compromise Deed is dated 24.11.2021. In the said Compromise Deed, it is stated that applicant No.8 does not want continuation of the proceeding initiated by him against applicant Nos.1 to 7. Further, it is also stated in the Compromise Deed that registration of the First Information Report against applicant Nos.1 to 7 was out of anger and no incident as stated in the First Information Report was occurred. It is stated that applicant No.8 and applicant Nos.1 to 7 have now resolved their dispute and applicant No.8 has no objection against applicant Nos.1 to 7.

5. We have carefully scrutinized material on record. On careful analysis of the First Information Report along with statements of eyewitnesses, we are satisfied that *prima facie* ingredients of serious offences are fulfilled.

6. The Honourable Apex Court in the case of Narinder Singh vs. State of Punjab, reported at (2014) AIR (SCW) 2065 has held that offences involving moral depravity or other serious offences cannot be permitted to be compounded as offences are against the society.

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7. In the present case, as the allegations in the FIR would demonstrate, is not merely one involving a private dispute between two contesting parties. The case involves allegations of dacoity. If the allegations in the FIR are construed as they stand, it is evident that they implicate serious offences having a bearing on a vital societal interest. Such offences cannot be construed to be merely private disputes but implicate the societal interest in prosecuting serious crime.

8. Having perused material against applicant Nos.1 to 7, we are *prima facie* satisfied that allegations against applicant Nos.1 to 7 fulfill ingredients of serious offences like offence punishable under Section 395 of the Indian Penal Code. Therefore the investigating agency needs to be given an opportunity to prove the case in Trial. We, therefore, find no merit in the application. The application is, therefore, **rejected** and **disposed** of accordingly.

Rule stands discharged.

JUDGE

JUDGE

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