

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

CRIMINAL APPLICATION (APL) NO.157 OF 2023

APPLICANT : 1 Abdul Shahid Abdul Salim,
Age: 33 Years, Occ: Private, R/o.
Tambakul wali building, Nai Basti,
Mangalwari Bazar, Sadar, Katol Road,
Nagpur, Tah. & Distt.: Nagpur.

..VERSUS..

RESPONDENTS : 1 The State of Maharashtra, Through
Police Station Officer, Lakadganj,
Nagpur, Tah. & Distt.: Nagpur,

2 Shashank Sumantkumar Jain,
Age: 34 Years, Occ: Business, R/o.
Jhanda Chowk, Mahal, Nagpur, Tah. &
Distt.: Nagpur.

Mr J. S. Chilotra, Advocate with H. S. Chilotra, Advocate for the Applicant.
Mr S. S. Doifode, Addl. P. P. for the Respondent No.1/State.
Mr A. Raoka, Advocate for the Respondent No.2.

CORAM : **VINAY JOSHI AND VALMIKI SA MENEZES, JJ.**

DATE : **15th FEBRUARY, 2023.**

ORAL JUDGMENT : **(PER : VINAY JOSHI, J.)**

. Heard finally by consent of the learned Counsel
appearing for the parties.

Admit.

2. This is an application seeking to quash the First Information Report (FIR) in Crime No.211 of 2021, registered with Lakadganj Police Station, District Nagpur, for the offence Punishable under Sections 452, 323 and 506 of the Indian Penal Code, 1860, charge-sheet bearing No.92 of 2021 and the proceedings bearing RCC No.2315 of 2021 pending on the file of Judicial Magistrate First Class, Nagpur.

3. It was a dispute between landlord and tenant. Informant is a son of the landlord who alleged that on the date of occurrence, Applicant (tenant) picked a quarrel, dealt a stick blow causing him injury, and therefore, the report. Already a suit for eviction was pending since long. During meantime, the parties have arrived at amicable settlement and accordingly, compromise decree was passed. The informant has received possession of tenanted premises in pursuance of settlement arrived before Small Causes Court. In view of that the parties have decided to maintain cordial relations and not to prosecute the criminal case.

4. Today, the informant is present in Court, who has identified by his Advocate Mr Arjun Raoka. The informant has produced a copy of compromise deed and stated that he does not want to prosecute the criminal case. He has also stated that his father, who sustained minor injury in the incident authorized him for giving no objection to quashing proceeding.

5. By and large, it was a private dispute having no social impact. Now the parties have settled the matter and possession has received by a landlord. In the circumstances, there is no propriety in continuing the trial as the chances of conviction are remote and bleak.

6. In view of above, the criminal application is **allowed.**

7. FIR in Crime No.211 of 2021, registered with Lakadganj Police Station, District Nagpur, a charge-sheet bearing No.92 of 2021 and the proceedings bearing RCC No.2315 of 2021 pending on the file of Judicial Magistrate First Class, Nagpur, are hereby quashed and set aside.

8. The criminal application stands disposed in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

TAMBE