

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

CRIMINAL APPLICATION (APL) NO. 334 OF 2023

1. Shaheen Anjum Sk. Chand, Aged 40 years, Occ. Teacher,
2. Nasreeen Parveen Sk. Chand, Aged 35 years, Occ. Teacher, Both R/o Near Mohammadiya Musjid, Mujaffar Nagar, Akola, Tq. Akola, District Akola.
3. Husna Afroz Rashid Khan, Aged 45 years, Occ. None, R/o Kalal Chawl, Khogpura, Akola, Dist. Akola.
4. Shaikh Rauf Shaikh Rasuol, Aged 46 year, R/o Kalal Chawl Khogpura, Akola, Distt. Akola.

... APPLICANTS

VERSUS

1. The State of Maharashtra, through P.S.O. Ramdaspath (City), Tq. Akola. Distt. Akola.
2. Moulana Abdul Karim, Aged 73 years, Occ. Business, R/o Firdos Colony, Akola, Distt. Akola.

... NON-APPLICANTS

Shri S. Katkar, Advocate for the applicants.
 Shri Kadukar, A.P.P. for the non-applicant/State.
 Smt. A.M. Telange, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 19/04/2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. The matter is taken up for final hearing by consent of learned Counsel appearing for the respective parties.

3. This application for seeking to quash the First Information Report (FIR) in Crime No.142 of 2014 registered with the Ramdaspeth Police Station, District Akola for the offence punishable under Sections 295, 323, 352, 384, 392, 504, 506, 452 read with Section 34 of the Indian Penal Code and related Criminal Case bearing R.C.C. No.513 of 2017 pending on the file of the Chief Judicial Magistrate, Akola on account of settlement between the parties.

4. It is the informant's case that he was running a shop for sale of religious books. The applicants who are his relatives barged into the shop, caused damage to the property and forcibly taken away cash amount and mobile. In the said incident, informant's son Mohd. Zakir also sustained injury and therefore, the report. The Police have

investigated the matter and filed the charge-sheet. It is informed that yet the charges have not framed.

5. The applicants and the informant are distant relatives residing in the same area. Having regard to the relationship, with the intervention of community people, the dispute has been settled. The informant has filed an affidavit stating about the settlement. Today, the informant's son Mohammad Zakir Abdul Karim, who was injured in the incident is present in the Court and has been identified by his Counsel Smt. A.M. Telange. The informant is old aged person, who is not in a position to attend the Court. However, the informant's son Mohammad Zakir has filed an authority letter of his father stating about compromise and no object to quash the FIR and related charge-sheet. We have inquired with the informant's son Mohammad Zakir on which he stated about the settlement and gave no objection for quashing of FIR.

6. It reveals that the dispute was amongst the relatives which has been settled. The parties are living in the same vicinity. Considering the nature of accusation, the crime cannot be stated to be heinous or of antisocial nature. In order to maintain harmony in the community, we deem it appropriate to invoke our inherent jurisdiction. Moreover, as

the matter is settled, the chances of conviction are remote and bleak. In view of that, following order is passed.

- (a) The application is allowed.
 - (b) We hereby quashed and set aside the First Information Report (FIR) in Crime No.142 of 2014 registered with the Ramdaspeth Police Station, District Akola for the offence punishable under Sections 295, 323, 352, 384, 392, 504, 506, 452 read with Section 34 of the Indian Penal Code and related Criminal Case bearing R.C.C. No.513 of 2017 pending on the file of the Chief Judicial Magistrate, Akola.
7. The application stands disposed of in above terms. No order as to costs.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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