

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

CRIMINAL APPLICATION (APL) NO.262 OF 2023

APPLICANTS : 1 Sewakaram Ganpati Bihune,
Age : 52 Years, Occ: Private,
2 Janakraj Ganpati Bihune,
Age: 43 Years, Occ: Private,
3 Anil Ganpati Bihune,
Age: 49 Years, Occ: Private,

All are R/o. Mahendi, Post –
Nayakund, Mahendi, Parseoni,
Nagpur (Rural), Tah. Ramtek & Distt.:
Nagpur,

..VERSUS..

RESPONDENT : 1 The State of Maharashtra,
Through Police Station Officer,
Parseoni, Nagpur (Rural), Tah.
Ramtek, & Distt.: Nagpur [Copies
already served to the Government
Pleader Office, High Court, Bench at
Nagpur.]
2 Namdeo Naryan Taywade,
Age: 70 Years, Occ: Private, R/o
Mahendi, Post – Nayakund, Parseoni,
Nagpur (Rural), Tah. Ramtek, &
Distt.: Nagpur.

Mr J. S. Chilotra, Advocate for the Applicants.
Mr M. J. Khan, Addl. P. P. for Respondent No.1/State.
Ms P. K. Adnani, Advocate for Respondent No.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATE : 3rd MARCH, 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 in terms of Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the First Information Report (FIR) in Crime No.36 of 2019, registered with Parseoni Police Station, Nagpur (Rural), for the offence punishable under Sections 324 and 504 read with Section 34 of the Indian Penal Code, 1860 (IPC) alongwith charge-sheet and related criminal case bearing RCC No.2 of 2020. It is submitted that since the parties are belonging to same community and village, the matter has been settled, and therefore, they urge for quashing all the entire proceedings.

3. It reveals from the police papers that the parties are residing in same village and have neighboring agricultural land. Out of land dispute, the incident occurred in which applicants

have dealt stick blows on the person of informant, and therefore, the report. Though, initially crime was registered for the offence punishable under Section 324 of the IPC, charge-sheet came to be filed for Section 325 of the IPC. The Trial Court has framed charge under Section 326 of the IPC also.

4. It is not denied that the parties are villagers resident of same vicinity and have neighboring agricultural land. In order to maintain cordial relations and harmony, with intervention of neighbors, they have settled the dispute. The informant has filed his reply affidavit stating about the settlement and his no objection to quash the FIR. Likewise, the informant is present before us, who has identified by his Advocate Ms Adnani. On enquiry, he has submitted that he does not want to prosecute the criminal case, as there was a settlement. The offence is of personal nature, which cannot be termed as grave or heinous one. Since the matter is settled, there is no purpose in continuing the criminal proceeding as it would be exercise in futility.

5. We have brought to the notice of the applicants that as per medical certificate, the informant age old man sustained

various injuries at his ribs and chest. At this juncture, upon instructions, applicants' learned Counsel submitted that the applicants would pay sum of Rs.5,000/- each to the informant towards medical expenses, which he has already borne.

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

7. We hereby quash and set aside the FIR in Crime No.36 of 2019 alongwith charge-sheet and related criminal case bearing RCC No.2 of 2020.

8. The applicants shall deposit the sum of Rs.15,000/- in aggregate (Rs.5,000/- each) in the Bank Account of informant on or before 14.03.2023. Place the matter on 15.03.2023 for noting compliance.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

TAMBE