

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

CRIMINAL APPLICATION (APL) NO. 419 OF 2023

1. Durgesh S/o Krupashankar Mishra,
Aged about – 31 years, Occ – Private,
R/o Plot no. 212, Sai Krupa Niwas,
Near Om Kirana, Pension Nagar, Katol Road,
Nagpur and others
2. Simarjit Singh Wade @ Sunny Wade s/o
Paramjit Singh Wade, Aged about – 33 years,
Occ – Private, R/o Near Sayona School,
BH Tower, Flat No. 401, Teka Naka,
Kamptee Road, Nagpur
3. Kuljit Singh Wade @ Bobby Wade S/o
Paramjit Singh Wade, Aged about – 34 years,
Occ – Private, Near Sayona School, BH
Tower, Flat No. 401, Teka Naka, Kamptee
Road, Nagpur.
4. Ikivinder Singh S/o Gurmeet Singh Bhatia,
Aged about – 26 years, Occ – Private,
R/o. House No. B 13/145, Ekta Colony,
Yadav Nagar, Uppalwadi, Nagpur.
5. Manmit Singh S/o Harvinder Singh Thakkar,
Aged about – 25 years, Occ – Private,
R/o Near Life Line Hospital, Plot No. 30,
Rawal Bhavan Lashkaribagh, Nagpur.
6. Vijay @Kitto S/o Purushottam Hingorani,
Aged about – 36 years, Occ – Private,
R/o Near Hansraj Kirana Store, Gittikhadan,
Katol Road, Nagpur.
7. Manmit Singh S/o Gurmeet Singh Bhatia,
Aged about – 23 years,
Occ – Private/Student, R/o. House No.B
13/145, Ekta Colony, Yadav Nagar,
Uppalwadi, Nagpur

... Applicants

8. Avinash S/o Murlidhar Sharma,
Aged about – 29 years, Occ – Private, R/o
Plot No. 644A, Tekadi Road, Gawalipura,
Sadar, Nagpur.

Versus

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|---|---|-----------------------|
| 1. The State of Maharashtra,
Through Police Station Officer,
Police Station Ambazari, Nagpur | } | ...Respondents |
| 2. Gaurav @Vikky Hariprasad Pandey,
Aged about – 23 years, Occ – Private,
R/o Plot no. 54, Bajiprabhu Nagar, Godhni
Road, Mankapur, Dist – Nagpur. | | |

Mr. Faizan F. Sheikh, Advocate for applicants.

Mr. A.M. Kadukar, APP for respondent No.1.

Ms. Anushree Pande, Advocate for respondent No.2.

**CORAM : VINAY JOSHI, AND
BHARAT P. DESHPANDE, JJ.**

DATED : 27.04.2023.

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

. **Admit.** Heard finally by the consent of the learned
counsel for the respective parties.

(2) This is an application seeking to quash FIR in Crime
No.395/2022, registered with Police Station Ambazari, Nagpur, for the
offence punishable under Sections 143, 147, 148, 294, 506 (2), 323,
326 and 149 of the Indian Penal Code, on account of settlement. The
police have investigated the matter and added Section 326 (during
investigation) of the Indian Penal Code while filing of final report.

(3) The facts in brief are that non-applicant No.2 informant lodged a report dated 03.11.2022, regarding occurrence. It is a prosecution case that the informant was serving as a Bouncer (male body guard) with Illusion bar and restaurant. On 02.11.2022, around 6:00 p.m. he was on duty as a Guard. The applicants came to the bar and insisted to enter in the bar, which was closed. In the said bid, there was a scuffle in which the applicants man-handled the informant, also dealt blows with a metal ornament at the face of informant and therefore, the report.

(4) Both parties are residing in the same vicinity. In order to maintain cordial relations, they have mutually settled the differences. The informant has filed affidavit about the settlement. He has also remained present before this Court, accepted settlement and requested for quashing of the FIR.

(5) We have examined the police papers and in particular medico legal report pertaining to the informant. He has sustained a blunt trauma and fracture on left frontal sinus. The informant himself has stated before us that he was discharged from the hospital within 24 hours. Thus, apparently, though he sustained

fracture, the injury has not confined him for longer period. The offence cannot be termed as heinous or anti social. The occurrence indicates that it was happened on the spur of moment as there was no premeditation. The parties are resident of same locality and keen to maintain smooth relations. The informant has no objection to quash the entire prosecution. In view of above, we deem it appropriate to exercise our extra ordinary jurisdiction in quashing the proceeding.

(6) At this stage, we have brought to the notice of the applicants that due to occurrence, the police have registered FIR, commenced investigation, collected medical papers, recorded statements of various witnesses and thus, the police machinery has rotated. At this juncture, the applicants learned counsel would submit that the applicants are ready to pay cost of Rs.25,000/-.

(7) In view of above, the application is allowed and disposed of accordingly. We hereby quash and set aside the FIR relating to Crime No.395/2022, registered with Police Station Ambazari, Nagpur, for the offence punishable under Sections 143, 147, 148, 294, 506 (2), 323, 326 and 149 of the Indian Penal Code.

(8) The applicants shall deposit sum of Rs.25,000/- on or before **4th May, 2023**, with the High Court Bar Association, Nagpur Bench, Nagpur.

(9) The matter be placed for compliance on **04.05.2023**.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

Prity