

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

CRIMINAL APPLICATION [APL] No. 420/2023.

1.Shri Ritik s/o Ratanlal Shahu,
Aged about 21 years, Occupation
Student;

2.Shri Shankarlal s/o Guruprasad Shahu,
Aged about 46 years, Occupation
Business;

3.Shri Shalikram s/o Guruprasad Shahu,
Aged about 52 years, Occupation
Business;

4.Shri Omprakash s/o Shalikram Shahu,
Aged about 28 years, Occupation
Business;

5.Shri Vijay s/o Shalikram Shahu,
Aged about 23 years, Occupation
Student;

All No.1 to 5 are resident of plot no.4,
Govindprabhu Nagar, Rajapeth,
Hudkeshwar Road, Nagpur,
Taluq and District Nagpur.

...

APPLICANTS.

VERSUS

Rgd.

1.State of Maharashtra,
through Police Station House
Officer, Police Station Hudkeshwar,
Nagpur City, Taluq and District
Nagpur.

2.Shri Arvind @ Shubham Vijay Fale,
Aged about 21 years, occupation – private,
resident of plot no.51, Vaishnavmata Nagar,
Near Mrugnayani lawn, Pipla Road,
Nagpur.

... **NON-APPLICANTS.**

Mr. U.K. Bisen, Advocate for Applicants.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1.
Mr. A.Y. Sharma, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND

BHARAT P. DESHPANDE, JJ.

DATE : MARCH 28, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

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

Admit.

Rgd.

2. This is an application seeking to quash the first information report bearing Crime No.111/2023 registered with Hudkeshwar Police Station, Nagpur for the offence punishable under Sections 143, 147, 149, 295, 296, 427, 323 and 506 of the Indian Penal Code. During the pendency of the application, parties have settled the matter and therefore, quashing is primely sought on account of settlement.

3. It is informant's case that he came across that a flex which was fixed by him, was removed by one of the applicant. After hearing the things, he has questioned about the said removal, on which applicants have abused and beated him with fist-blows and kicks, therefore, the report.

4. It is submitted that the incident was a sudden occurrence without premeditation. Both sides are residing in the same vicinity and in order to maintain peace and harmony, they have settled the matter. In that regard, the complainant has filed reply-affidavit stating that the matter is settled and he do not wish prosecute the

Rgd.

criminal case.

5. It reveals from the first information report that two companions of informant namely Sanket and Vedant also sustained minor injuries in the occurrence. They are personally present before the Court along with the informant. All of them have been identified by the Advocate appearing for the informant. On enquiry, they stated that there was no enmity between the parties and to maintain good relations they do not wish to prosecute the criminal case.

6. Applicant no.1 at whose instance the occurrence originated has showed his willingness to deposit an amount of Rs.10,000/- towards cost for unnecessarily rotating the police machinery. The alleged offence has no social impact, nor can be termed as gruesome or heinous. It is evident that it was a sudden dispute in between youths of the locality. In order to maintain harmony and to secure the ends of justice, we deem it appropriate to quash the first information report.

Rgd.

7. In view of above, Criminal Application is allowed and disposed of.

The first information report bearing Crime No.111/2023 registered with Hudkeshwar Police Station, Nagpur for the offence punishable under Sections 143, 147, 149, 295, 296, 427, 323 and 506 of the Indian Penal Code is hereby quashed and set aside, subject to the applicant no.1 depositing an amount of Rs.10,000/- with the High Court Bar Association, Nagpur on or before 03.04.2023.

The matter be placed for reporting compliance on 05.04.2023.

JUDGE

JUDGE

Rgd.