

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

CRIMINAL APPLICATION (APL) NO. 450 OF 2023

1. Rajesh Kumar s/o Ramkumar Shahu, aged about 40 years, Occ. Private R/o Swamy Vivekanand Ward, Tahsil Ramtek, District Nagpur.
2. Dinesh s/o Ramkumar Shahu, aged about 37 years, Occ. Private R/o Swamy Vivekanand Ward, Tahsil Ramtek, District Nagpur.
3. Vilas s/o Umrao Ahirkar, aged about 28 years, Occ. Private r/o Shivaji Ward, Tahsil Ramtek, District Nagpur
4. Uttamprasad s/o Ramdayal Shahu, Aged 35 years, Occ. Private, R/o Kanhivada, Tahsil Kevlari, District Seoni
5. Mahendra s/o Manohar Bhalavi, Aged 35 years, Occ. Private r/o Tehsil Tola Kanhiwada, Seoni

... APPLICANTS

VERSUS

1. State of Maharashtra, through Officer-in-charge of Police Station, Ramtek, Ramtek.
2. Ramanand s/o Mannulalji Admane, age – 46 years, Occ. : Private, R/o Bhagat Singh Ward, Tahsil Ramtek,

District Nagpur.

... NON-APPLICANTS

Shri A.S. Tiwari, Advocate for the appellants.
Shri Thakare, A.P.P. for the non-applicant/State.
Shri S. Joshi, Advocate for the 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 is an application seeking to quash the First Information Report (FIR) in Crime No.618 of 2017 registered with the Ramtek Police Station, District Nagpur for the offence punishable under Sections 143, 147, 323, 294 of the Indian Penal Code and Section 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 as well as related Atrocity Special Case No. 15 of 2019 pending on the file of the District Judge and Additional Sessions Judge, Nagpur on account of settlement in between the parties.

4. It is the prosecution case, that the informant was a local counsellor of Taluka Ramtek. On 04.11.2017 he came across that, the applicants (accused) were insisting shop keepers to pay the money on which he intervened. When the informant asked the applicants about the illegal recovery, on which applicant no.1 Rakesh Shahu abused the informant in the name of caste and applicants slapped and beaten him by fists blows, for which the report. The Police investigated the matter and charge-sheet has been filed. It is informed that yet the Trial Court has not framed the charges.

5. The parties have settled the matter. The informant has filed an affidavit in reply stating about the settlement and his non-inclination to prosecute the criminal case. The informant is present in the Court who has been identified by his learned Counsel Shri Joshi. We have asked the informant on which he conceded about the settlement and requested to quash the criminal proceeding as they are residing in the same area.

6. The incident as stated in Police papers is about abuses in the name of caste and causing a simple hurt. Both sides are resident of Ramtek. It is urged that to maintain harmony in the area, the parties have settled the matter with the intervention of the villagers. Certainly,

pendency of criminal trial may increase the bitterness in between the both. The alleged offence cannot be termed as heinous or of anti social nature.

7. It is brought to the notice that the crime was registered in the year 2017. The investigation is complete and for more than three years, the criminal case is pending in the Trial Court. It is apparent that due to absence of the applicants, the case remained pending which must have caused the Trial Court to repeatedly issue the warrant to secure the present of the applicants. At this stage, learned Counsel for the applicants expressed that the applicants would deposit Rs.10,000/- toward costs.

8. Having regard to the nature of accusation and settlement in between the parties, we deem it appropriate to quash the proceedings to maintain harmony in the local area. In view of that, the application deserves to be allowed, hence following order :

(a) The application is allowed.

(b) We hereby quashed and set aside the First Information Report (FIR) in Crime No.618 of 2017 registered with the Ramtek Police Station, District Nagpur for the offence punishable under Sections 143, 147, 323, 294

of the Indian Penal Code and Section 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Atrocity Special Case No. 15 of 2019 pending on the file of the District Judge and Additional Sessions Judge, Nagpur on the applicants depositing costs of Rs.10,000/- to the High Court Bar Association, Nagpur on or before 25/04/2023.

9. The matter be placed on 26.04.2023 for noting compliance.

10. The application stands disposed of in above terms.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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