

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

CRIMINAL APPLICATION [APL] NO. 459/2023.

Vishnu s/o Samadhan Ingle,
Aged about 40 years,
Occupation – Advocate, resident
of Umra, Tahsil Patur,
District Akola.

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APPLICANT.

VERSUS

1.State of Maharashtra,
through Police Station Officer
Police Station Channi, Tahsil
Patur, District Akola.

2.Pravin s/o Ganesh Chipde,
Aged about 20 years,
Occupation – Agriculturist,
resident of Umra, Tahsil Patur,
District Akola.

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NON-APPLICANTS.

Mr. A.M. Tirukh, Advocate for the Applicant.
Mr. A.M. Kadukar, A.P.P. for Non-applicant No.1/State.
Mr. S.B. Gandhe, Advocate for Non-applicant No.2.

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

DATE : APRIL 25, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

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

Admit.

2. This is an application seeking to quash the first information report bearing Crime No.17/2013 registered with the Channi Police Station, Akola for the offence punishable under Sections 147, 148, 149, 323, 324, 326, 452, 504 and 506 of the Indian Penal Code, along with the related Criminal Case bearing Regular Criminal Case No.119/2013 pending on the file of the Judicial Magistrate, First Class, Patur, District Akola, on account of settlement. The learned Counsel for the applicant submitted that though charges are framed, however, yet trial has not commenced.

3. At the instance of a report lodged by non-applicant No.2 –

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Pravin, the aforesaid crime came to be registered. It is the prosecution case that because of an incident of inciting a village girl, quarrel erupted. On the date of incident, the applicant along with several others have assaulted the informant party by means of axe, stick, iron pipes etc. In the said incident, several persons got injured for which the report was lodged.

4. During the pendency of the proceedings before the trial Court, the matter was settled in between the applicant Vishnu Samadhan Ingle, informant and all other injured. In that regard, affidavit of settlement has been filed by all of them vide list dated 20.04.2023, which list is taken on record and marked “A” for identification. By and large, the informant and the injured have filed affidavits stating that since the parties are related to each other, they have settled the dispute out of Court. It is submitted that in order to maintain harmony in the village, they have decided to resolve the dispute, and therefore, gave no objection for quashing of the proceedings as regards to the present applicant only.

5. We have examined the police papers and find that the

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allegations levelled against the applicant is of use of stick in the occurrence. The parties are related to each other, and are residing in the same village. It is also stated in the affidavit that in a heat of anger, the informant and injured have named the applicant in the incident, which assumes significance.

6. We have gone through the injury certificate, which almost shows simply injury. Since the matter is settled and parties are related to each other, it is desirable to accede to the request of maintaining harmony in the vicinity. At this juncture we have invited attention of the parties to the aspect that the criminal case is pending before the Trial Court for near about 10 years. The learned Counsel appearing for the applicant, upon instructions submitted that the applicant is ready to deposit an amount of Rs.15,000/- towards costs.

7. Having regard to the nature of allegations, the offence cannot be termed as heinous or antisocial. Moreover, the villagers have settled the dispute and therefore, we do not find any impediment in quashing the proceeding as regards to the applicant.

In view of that, following order is passed.

ORDER

- [i] Criminal Application is allowed and disposed of.
- [ii] The first information report bearing Crime No. 17/2013 registered with the Channi Police Station, Akola for the offence punishable under Sections 147, 148, 149, 323, 324, 326, 452, 504 and 506 of the Indian Penal Code, along with the related Criminal Case bearing Regular Criminal Case No.119/2013 pending on the file of the Judicial Magistrate, First Class, Patur, District Akola is hereby quashed and set aside against the applicant – Vishnu Samadhan Ingle only, on condition that the applicant deposits an amount of Rs.15000/- with the High Court Bar Association, Nagpur on or before 02.05.2023.
- [iii] List the matter for reporting compliance on 03.05.2023.

JUDGE

JUDGE