

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

CRIMINAL APPLICATION (APL) NO. 478 OF 2023

Ram s/o Ramesh Chachire, a/a 32 years,
Occ. Labour, r/o Bajpayee Ward, Gondia,
Tah. And distt. Gondia.

... APPLICANTS

VERSUS

1. The State of Maharashtra, through
the P.S.O. of P.S. Gondia City, Gondia,
Tah. & Distt. Gondia.
2. Aakash s/o Rajesh Chhadimalak, a/a
31 years, Occ. Labour,
3. Pradip s/o Bhola Chhadimalak, a/a
47 yrs, Occ. Labour,

N.A. No. 2 & 3 r/o Sawratoli, Subhash
Ward, Gondia, Tah. & Dist. Gondia.

... NON-APPLICANTS

Shri R.K. Borkar, Advocate for the applicant.
Shri Rode, A.P.P. for the non-applicant/State.
Shri I.S. Charlewar, Advocate for non-applicant nos. 2 and 3.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 10/04/2023.

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) vide Crime No.11 of 2014 registered with the Gondia City Police Station for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code, Sections 3(1)(x), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, on account of settlement in between the parties.

4. The crime was registered at the instance of the report dated 12.01.2014 lodged by one Aakash Chhadimalak alleging that co-accused Shaym Chachire assaulted injured by means of knife whilst applicant Ram Chachire assisted the co-accused in the occurrence. The Police have investigated the matter and prepared the charge-sheet. As the applicant was absconding, the charge-sheet came to be filed against him in terms of Section 299 of the Code of Criminal Procedure. Co-accused Shyam was put on trial in Sessions Criminal Case No.3 of 2016. In said proceeding, injured and eye-witness did not support the prosecution case, resultantly, the trial against main accused Shyam

ended into acquittal on 30.09.2022. Besides that the informant and injured have settled the matter with the applicant, and filed affidavit to that effect. Both of them also appeared before this Court and agreed about the settlement and gave no objection to quash the FIR.

5. The allegations of actual assault are against the co-accused, who has already been acquitted. Moreover, the matter is settled and hence, continuation of prosecution amounts to abuse of the process of Court. Considering the peculiar facts of this case, we are inclined to invoke our inherent jurisdiction.

6. In view of that, the application is allowed. We hereby quashed and set aside the First Information Report vide Crime No.11 of 2014 registered with the Gondia City Police Station for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code, Sections 3(1)(x), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 only to the extent of the applicant Ram s/o Ramesh Chachire. The application stands disposed of accordingly. No order as to costs.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)