

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

**CRIMINAL APPLICATION (APL) NO. 490 OF 2023**

1. Prithpal Singh Surjit singh Samlok, Aged 46 years, Occupation : Business, R/o Plot No. 201, Baba Buddhaji Nagar, Teka Naka, Dr. Ambedkar Marg, Nagpur – 440017
2. Gagandeep Singh Harvinder Singh Talwar, Aged 28 years, Occupation : Business, R/o 154/B/4, Baba Buddhaji Nagar, Kamthi Road, Near Shahu Aata Chakki, Teka Naga, Dr. Ambedkar Marg, Nagpur – 440017

... APPLICANTS

**VERSUS**

1. State of Maharashtra, through Police Station Officer, Kapil Nagar, Police Station, Nagpur.
2. Balbir Singh Narendra Singh Birgi, Aged 72 years, Occupation : Business, Jasmeet Kaur Amandeep Singh Birgi, Aged 36 years, Occupation : Business,

Non-applicant Nos.2 and 3 both are resident of House No.2252/E, Automotive Square, Kamptee Road, Nagpur – 440017

... NON-APPLICANTS

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Shri D.S. Jagyasi, Advocate for the applicants.  
Shri N.R. Rode, A.P.P for the non-applicant/State  
Shri A.R. Jindal, Advocate for non-applicant no.2.

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**CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.**  
**DATED : 05/04/2023.**

**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 No.275 of 2021 registered with the Kapil Nagar Police Station, Nagpur City for the offence punishable under Sections 452, 354, 294, 323, 504, 506(2) read with Section 34 of the Indian Penal Code on account of mutual settlement in between the parties.

4. At the instance of report lodged by the non-applicant no.2/informant, the crime has been registered on 07.07.2021 for the aforesaid offences. The informant is running a Bar and Restaurant. On 06.07.2021, in the evening, during lock down period, two boys

demanding for liquor to which the informant refused due to closure of Bar. Boys have argued with the informant and within short time, both applicants arrived in the restaurant and started to quarrel with the informant. At relevant time, informant's daughter-in-law came, to whom one of the applicant has touched in inappropriate manner. Both applicants abused the informant, his son and daughter-in-law, threatened them and created a scene for which the report.

5. Perusal of First Information Report discloses that abuses and threats were given to the informant, whilst his daughter-in-law was inappropriately touched and his son was also manhandled. The entire tenor of occurrence discloses that it was not a pre-planned action, but only on account of refusal to serve liquor, everything happened at the spur of moment. Applicants do not belong to criminal background, but they are informed to be traders. After investigation, the Police have filed the charge-sheet. Both sides belong to the same community. With the intervention of respected members of the community, the matter has been settled.

6. The informant as well as his daughter-in-law have filed an affidavit before this Court about the settlement. It is stated by both of them that due to misunderstanding the crime was registered and now,

they have amicably settled the matter. Both of them stated that they have no objection to quash the First Information Report as well as connected criminal case bearing R.C.C. No.4994 of 2021. Both are present in the Court and identified by their learned Advocate Shri A.R. Jindal. On inquiry, both have agreed about the settlement and requested for quashing of the First Information Report. Since son of the informant was also manhandled, on his behalf both have filed a Pursis stating that he has no objection for quashing of the FIR.

7. It reveals that the incident was a sudden occurrence on perfunctory reason. The parties were not in inimical terms. Both belong to the same community and to maintain peace and harmony, they have settled the dispute. Having regard to the nature of occurrence, it cannot be said that the offence is of antisocial or heinous nature. Certainly, the settlement would further them to maintain peace and harmony.

8. We have specifically brought to the notice of the applicants that due to registration of FIR, the police machinery was required to investigate the matter and file charge-sheet. Moreover, the Trial Court has framed charges and now, the matter is for evidence. The police machinery as well as court proceeding was progressed in which the time of public office was exhausted. At this juncture, applicants have

shown their willingness to deposit Rs.25,000/-.

9. In view of above peculiar facts of the case and settlement between the parties, there is no purpose in continuing the trial since it would be exercise in futility. We find it appropriate to invoke our inherent jurisdiction and therefore, we hereby quashed and set aside the First Information Report No. 275 of 2021 registered with the Kapil Nagar Police Station Nagpur City for the offence punishable under Sections 452, 354, 294, 323, 504, 506(2) read with Section 34 of the Indian Penal Code and related charge-sheet bearing R.C.C. No.4994 of 2021 pending on the file of the Judicial Magistrate First Class, Nagpur on applicants depositing Rs.25,000/- (Rupees Twenty Five Thousand) towards costs with the High Court Bar Association, Nagpur on or before 12.04.2023.

10. The matter be placed on 13.04.2023 for noting compliance.

**(BHARAT P. DESHPANDE, J.)**

**(VINAY JOSHI, J.)**

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10.04.2023 14:05