



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

CRIMINAL APPLICATION (APL) NO. 374 OF 2020

- APPLICANTS :**
1. Shri Sarjuprasad s/o Sangamlal Gupta,
Aged 61 Years, Occupation : Agriculturist,
R/o Plot No.461, Mohota Science College
Road, Chandan Nagar, Hanuman Nagar,
Nagpur - 09.
 2. Shri Sandeep Kumar Gupta,
Aged about 44 Years, Occupation : Business,
R/o Plot No.461, Medical College Road,
Near Sangam Hotel, Chandan Nagar,
Hanuman Nagar, Nagpur-09.
 3. Shri Raju Francis Rakshe,
Aged about 54 Years, Occupation : Business,
R/o of Wanjari Nagar, Nagpur.
 4. Shri Tulsidas s/o Pyarelal Patere,
Aged 38 years, Occupation : Private,
Resident of Barasignal, Borkar Nagar,
Nagpur.

V E R S U S

- NON-APPLICANTS :**
1. State of Maharashtra
Through Police Station Officer,
Hingna Police Station,
Nagpur.
 2. Yash s/o Moreshwar Satpute,
Aged 26 years, Occupation: Private,
Resident of Somalwada, Wardha Road,
Nagpur.

Shri H. R. Gadhia, Advocate for applicants.
Shri N. R. Rode, Additional Public Prosecutor for respondent No.1.
Shri Neelesh Gaidhane, Advocate for respondent No.2.

CORAM:- VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.
DATED : 18/08/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.

2. This is an application seeking to quash FIR relating to Crime No.0092/2020 for the offences punishable under Sections 447, 427, 506 r/w Section 34 of the Indian Penal Code along with related criminal case bearing S.C.C. No.847/2020 pending on the file of Judicial Magistrate First Class, Hingna, Dist. Nagpur on account of mutual settlement.

3. Applicant No.1 – Sarjuprasad Gupta and informant are having adjacent landed property. It is alleged that on the date of occurrence, applicants have wrongfully entered into the informant's land and uprooted boundary poles, gave threats and therefore, the report. The police have completed investigation and filed charge sheet. The Trial Court has framed charge and recorded the evidence of only two Panch Witnesses.

4. The parties are neighbouring residents. With the aid and intervention of friends and relatives, they have settled the dispute since they are neighbouring residents. The parties have

filed Compromise Deed dated 11/08/2023, which is signed by the informant.

5. Today, respondent No.2 – informant is present before us and identified by Advocate Shri Neelesh Gaidhane. He has admitted about the settlement and has no objection to quash the proceedings. The incident has occurred on account of boundary dispute. It cannot be termed as serious or heinous one. The settlement would further parties to maintain cordial relations in between neighbours. In order to secure the ends of justice, we are inclined to exercise our inherent jurisdiction.

6. In view of above, the application is allowed. We hereby quash and set aside the FIR relating to Crime No.0092/2020 for the offences punishable under Sections 447, 427, 506 r/w Section 34 of the Indian Penal Code along with related criminal case bearing S.C.C. No.847/2020 pending on the file of Judicial Magistrate First Class, Hingna, Dist. Nagpur.

7. The application stands disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]