

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

CRIMINAL APPLICATION (APL)NO. 526//2023

1. Ranvir @ Kallu Sohanlal Yadav
Aged 37 years, Occu. Business,
R/o Ward no.2, At Parsoda (Wahitola),
Tah. Ramtek, Khairi,
Dist. Nagpur.
 2. Udaysingh @ Gajju Sohanlal Yadav
Aged 44 years, Occu. Business,
R/o House No.28, Ward No.2, Parsoda,
Khairi, Bijewada, Tah. Ramtek, Dist.
Nagpur.
 3. Sachin Halpalsingh Khagar,
Aged 41 years, Occu. Agriculturist,
R/o Ward No.1, Nagardhan, Near
Nandivardhan Vidyalaya, Tah. Ramtek,
Dist. Nagpur.
 4. Bhushan @ Shankar Gajanan Holgire,
Aged 42 years, Occu. Agriculturist,
R/o Nagardhan, Near Nandivardhan
Vidyalaya, Tah. Ramtek, Dist. Nagpur.
 5. Prashant Devidas Kamdi
Aged 41 years, Occu : Business,
R/o Ward No.4, Nagardhan, Tah. Ramtek,
Dist. Nagpur.
 6. Roshan Umrao Thote,
Aged 29 years, Occu. Agriculturist,
R/o Digalwadi, Po Itgaon, Tah. Parseoni,
Distt. Nagpur.
- .Applicants.

- Versus -

1. The State of Maharashtra,
through its Police Station Officer,
Police Station, Parseoni,
Dist. Nagpur.
2. Dudhram Lolakuji Sawwalakhe
Aged 54 years, Occu. Z.P. member
R/o Chinchala PO Nagardhan,
Tah. Ramtek, Dist. Nagpur. (Informant)... Non-applicants

Mr. A.A.Dhawas, Advocate for the applicants.
Mr. A.M. Kadukar, APP for non-applicant no.1.
Mr. A.D.Ramteke, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.
DATE : 02.05.2023.

ORAL JUDGMENT (Per VINAY JOSHI, J.)

1. Heard. Admit. Heard finally by consent of learned
counsel for the respective parties.

2. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash FIR in Crime No.0159/2021 dated 5.7.2021 registered with Police Station Parseoni for the offences punishable under Sections 324, 143, 147, 149, 504 and 506 of the Indian Penal Code along with related charge-sheet dated 17.10.2021, registered as Regular Criminal Case No.73/2021 pending on the file of Judicial Magistrate, First Class, Parseoni, Dist.Nagpur on account of settlement.

3. On 5.7.2021 afternoon while the informant was at his house all applicants allegedly entered, abused and assaulted him. The informant sustained head injury and therefore, the report. The police investigated the matter and filed chargesheet. It is informed that though the Trial Court has framed charges, however, evidence has not commenced.

4. The applicants and informant are resident of same village and belongs to same group. With the intervention of villagers, they have settled the matter to maintain harmony and peace. We have gone through the police papers and found that the injury sustained by the informant was simple in nature. The informant has filed reply stating about settlement and his non-inclination to prosecute criminal case on account of settlement.

The informant is present in Court and he has no objection for quashing entire criminal prosecution.

5. The incident appears to be out of minor bickering. All parties are resident of same area. The alleged offences cannot be termed as heinous or anti-social. Therefore, we find no impediment for quashing prosecution.

6. We have brought to the notice of the applicants that in view of the report, the matter was investigated, chargesheet has been filed which have exhausted to be reasons to some extent. At this juncture, learned counsel for the applicants undertakes to deposit Rs. 10,000/- towards cost.

7. In view of above, the application is allowed.

8. We hereby quash and set aside FIR in Crime No.0159/2021 dated 5.7.2021 registered with Police Station Parseoni for the offences punishable under Sections 324, 143, 147, 149, 504 and 506 of the Indian Penal Code along with related charge-sheet therein dated 17.10.2021 and registered as Regular Criminal Case No.73/2021 pending on the file of learned Judicial Magistrate First Class, Parseoni, Distt. Nagpur against the applicants.

9. The applicants shall deposit cost of Rs. 10,000/- with the High court Bar Association by tomorrow i.e. dated 3.5.2023.

10. The matter be placed on 4th May, 2023 for compliance.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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