

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

CRIMINAL APPLICATION (APL) NO.628/2023

Mr. Rajesh s/o Kishor Bodele
Aged 47 years, Occupation : Private
R/o 153, Abhilasha Apartments, Hill top
Post, Ambazari, Nagpur. .. Applicant

- Versus -

1. State of Maharashtra,
Through Police Station Officer,
Police Station MIDC, Nagpur.
District Nagpur.
2. Mrs. Aarti w/o Govindrao Sonare
Age 39 years, Occupation : Household,
R/o Subhash nagar, Hingna Road,
Nagpur. ... Non-Applicants

Mr.R.R.Vyas, Advocate for the Applicant.
Mr. N.R.Rode, APP for non-applicant no.1.
Mr. Sumedh Kadam, Advocate for non-applicant no.2.

**CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.**
DATE : 25.04..2023.

ORAL JUDGMENT (Per Vinay Joshi, J.)

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

2. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash FIR in Crime No.0381/2019 dated 26.6.2019 registered with Police Station, MIDC Nagpur for offences punishable under Sections 448, 294, 506, 427 read with Section 34 of the Indian Penal Code along with related charge-sheet and consequent registration of Regular Criminal Case No.1548/2020 pending on the file of Judicial Magistrate First Class, Hingana, District Nagpur, on account of settlement.

3. The informant-lady has lodged the report on 26.6.2019 alleging that her two labours were doing plastering work at her house property. On the day of occurrence, the applicant who is adjoining plot holder threatened and caused to

remove the para-fit wall and, therefore, the report. The police investigated the matter and charge-sheet has been filed.

4. It is informed that yet the charges have not been framed. Since the informant and applicant are neighbouring resident, with the intervention of friends the matter has been amicably settled. The informant-lady (non-applicant no.2) has filed an affidavit-in-reply stating about the settlement and her no objection for quashing of the FIR and Charge-sheet in entirety. The informant-lady is present in Court, who has been identified by her Advocate Shri Sumedh Kadam. We have also inquired the informant on which she has stated that out of misunderstanding report has been lodged and she do not wish to prosecute the criminal case against the applicant as well as co-accused. She has also filed a Pursis stating that her two labours also does not have grievance and objection for quashing the entire criminal proceedings.

5. It reveals that the dispute is having civil flavour pertaining to boundary of the plot. Both are neighbouring resident. The offences cannot be termed as serious or anti-social. The parties have resolved the dispute and, therefore, it would be in the interest of both to settle the matter to maintain peace and harmony. Considering the above peculiar facts, we deem it appropriate to invoke our inherent jurisdiction.

6. We have brought to the notice of the applicant that at the instance of report police machinery was rotated, investigation was done, charge-sheet was filed and case is pending in the Court. At this juncture, learned counsel for the applicant, upon instructions, expressed to deposit sum of 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.0381/2019 dated 26.6.2019 registered with Police Station, MIDC Nagpur for offences punishable under Sections 448, 294, 506, 427 read with Section 34 of the Indian Penal Code along with related charge-sheet and consequent registration of Regular Criminal Case No.1548/2020 pending on the file of Judicial Magistrate First Class, Hingana, District Nagpur against all the accused in its entirety.

9. The applicant shall deposit cost of Rs.10,000/- to the High Court Bar Association on or before 3rd May, 2023.

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

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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