



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

CRIMINAL WRIT PETITION NO.487 OF 2023

Ajay s/o Madhukarrao Dongaonkar,
aged about 34 years, Occu. Advocate,
R/o 110/26, HIG MHADA Colony, KDK
College Road, Nandanvan, Nagpur.

... PETITIONER

VERSUS

1. State of Maharashtra, through Police
Station, Sadar, Nagpur.
2. Mr. Narendra Dashrath Singh
Banafar, Aged about 61 years, Occu.
Retired, R/o Emamwada, Nagpur.

... RESPONDENTS.

Shri Vivek Bharadwaj, Advocate for the petitioner.
Shri Khan, Addl.PP. for the State.
Shri A.P. Vyas, Advocate for respondent no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 31.10.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

RULE. Rule made returnable forthwith.

2. This is a petition seeking to quash the First Information Report along with Charge-sheet arising out of Crime No.578 of 2021 registered with the Sadar Police Station, Nagpur city for the offence punishable under Section 294 of the Indian Penal Code, on account of mutual settlement.

3. It is the prosecution case that on 18.12.2021, the petitioner who is the practicing advocate entered into the public office, gave threats and abused to the public servants, and therefore, the report. It is the petitioner's contention that since long he is suffering from mental trauma and was undergoing prolonged psychiatric treatment. The petitioner has filed medical papers about his treatment supported by the affidavit of his brother. The petitioner has also given undertaking of good behaviour.

4. The informant has filed a reply stating that he has no objection to quash the proceedings. The informant has also appeared in the Court, conceded about the settlement and gave his no objection.

5. The petitioner is charged for the offence punishable under Section 294 of the IPC, which may attracts the term of imprisonment which may extend to three months or with fine. Certainly, the offence cannot be termed as heinous or anti social. We have carefully

considered the prolonged medical history coupled with certificate issued by the Psychiatric Dr.Pawan Aadtiya. It reveals that for the period of 2 to 4 years, preceding to the occurrence, he was continuously under psychiatric treatment. The applicant was diagnosed as 'Schizophrenia with cellulitis' patient.

6. Considering the plight of the petitioner and particularly, as the matter is settled, we deem it appropriate to invoke our inherent powers, hence the following order :

7. The petition is allowed. We hereby quash and set aside the First Information Report along with Charge-sheet arising out of Crime No.578 of 2021 registered with the Sadar Police Station, Nagpur city for the offence punishable under Section 294 of the Indian Penal Code.

8. The Petition stands disposed of accordingly.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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