

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

CRIMINAL APPLICATION (APL) NO. 872 OF 2023

- APPLICANTS :**
1. Mukesh Ramesh Shahu,
Aged about 42 years, Occ - Business
R/o Plot No.96, Behind Pritam Complex,
Small Factory Area, Lakadganj, Nagpur.
 2. Nishant Ramesh Shahu,
Aged about 30 years, Occ - Business
R/o Near Small Factory Area,
Lakadganj, Nagpur.
 3. Ramkaran Shahu
Aged about 35 years, Occ – Business,
R/o Bharat Nagar, Shikshak Colony,
Kalamna, Nagpur.

V E R S U S

- NON-APPLICANTS :**
1. State of Maharashtra
Through P.S.O. P.S. Lakadganj,
Tah. & Dist. Nagpur.
 2. Vaibhav Mohanraoji Gudadhe,
Aged 29 years, Occu. Business,
R/o. Plot No.15, Near Hudkeshwar
Police Station, Pipla Road, Nagpur.

Shri R. Siddharth, Advocate for applicants.

Shri N. R. Rode, Additional Public Prosecutor for non-applicant No.1.

Shri P. V. Navlani, Advocate for non-applicant No.2.

WITH
CRIMINAL APPLICATION (APL) NO. 873 OF 2023

- APPLICANT :**
- Vaibhav Mohanraoji Gudadhe,
Aged 29 years, Occu. Business,
R/o Plot No.15, Near Hudkeshwar Police
Station, Pipla Road, Nagpur.

VERSUS

- NON-APPLICANTS :**
1. State of Maharashtra
Through P.S.O. P.S. Lakadganj,
Tah. & Dist. Nagpur.
 2. Mukesh Ramesh Shahu,
Aged about 42 years, Occ - Business
R/o Plot No.96, Behind Pritam
Complex, Small Factory Area,
Lakadganj, Nagpur.

Shri P. V. Navlani, Advocate for applicant.
Shri V. A. Thakare, Additional Public Prosecutor for Non-applicant No.1.
Shri R. Siddharth, Advocate for Non-applicant No.2.

CORAM:- VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.
DATED : 05/07/2023.

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

1. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.
2. Two separate applications have been filed relating to the same incident giving rise to the two different registration of crimes. Criminal Application (APL) No.872/2023 has been filed for quashing of FIR in Crime No. 0467/2023 registered for the offences punishable under Sections 294 and 506 r/w Section 34 of the Indian Penal Code. Likewise, Criminal Application (APL) No.873/2023 is filed for quashing of FIR in Crime No. 0466/2023 registered for the offences punishable under Sections 294 and 506

r/w Section 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951.

3. Perusal of both counter reports indicates that they relate to the same incident dated 29/06/2023 occurred at around 4.00 p.m. There was dispute in between the parties on account of money transaction in which they had quarreled and thus, counter FIRs have been filed.

4. The parties of both side belongs to business community. With the intervention of friends and relatives, they have settled the dispute by returning the amount. Both informants do not wish to prosecute the respective criminal cases and to that effect, they have filed affidavits in each of the proceedings. Both the informants are present before us and have been identified by their respective counsel. They have stated before us about the settlement and their non-inclination to go on with the prosecution.

5. Since the matter is settled, there is no purpose in continuing criminal prosecution, which is not of anti-social nature. There are no chances of securing conviction. The settlement would promote peace, and harmony in between the parties. However, it reveals that due to incident, the police required to intervene by

registering FIR and carrying out preliminary investigation. Both learned counsel made a statement that respective applicants would deposit sum of Rs.5,000/- in each proceeding towards the costs.

6. In view of the above, both applications are allowed subject to depositing the costs of Rs.5,000/- in each application with the High Court Bar Association.

7. FIR in Crime No. 0467/2023 registered for the offences punishable under Sections 294 and 506 r/w Section 34 of the Indian Penal Code, and FIR in Crime No. 0466/2023 registered for the offences punishable under Sections 294 and 506 r/w Section 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951 are hereby quashed and set aside.

8. The concerned police shall release the Fortuner Vehicle bearing Registration No.MH 40 CA 9494 stated to be seized in Crime No.467/2023.

9. The amount of Rs.5,000/- shall be deposited with the High Court Bar Association within two days in each application.

10. The matter be placed for compliance on 10/07/2023.

11. Steno copy of this order be supplied to the learned counsel for the parties.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

Choulwar