

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

CRIMINAL APPLICATION (APL) NO. 339 OF 2021

Rajkumar s/o Sureshrao Maske,
Aged about : 36 years, Occu. Naik Police
Constable, M.I.D.C. Police Station, Nagpur,
R/o: Radke Layout, Balaji High School,
Hingana Road, Nagpur.

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... Applicant

Versus

1. State of Maharashtra,
Through Police Station Officer,
Police Station Hudkeshwar,
District : Nagpur.
2. Smt. Asha w/o Padmakar Surkar
Aged : 50, Occupation : Housewife,
R/o. Plot No.522, Old Basti, Manewada,
Besa Road, Nagpur.

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...Non-applicants

WITH

CRIMINAL APPLICATION (APL) NO. 1248 OF 2022

Smt. Asha w/o Padmakar Surkar
Aged about 51 years,
Occupation – Housewife,
R/o. Plot No.522, Manewada Old Basti,
Besa Road, Nagpur.

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... Applicant

Versus

1. State of Maharashtra,
Through its Police Station Officer,
Police Station Hudkeshwar, Nagpur,
District : Nagpur.
2. Rajkumar s/o Sureshrao Maske,
Aged about : 37 years, Occupation - Naik Police
Constable, M.I.D.C. Police Station, Nagpur,
R/o: Radke Layout, Balaji High School,
Hingana Road, Nagpur.

}

...Non-applicants

Ms. U.P. Dable, Advocate for applicant in APL No.339/2021 and for non-applicant No.2 in APL No.1248/2022.

Mr. V.A. Thakare, APP for non-applicant/State.

Mr. B.C. Chandrakapure, Advocate for non-applicant No.2 in APL No.339/2021 and for applicant in APL No.1248/2022.

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

DATED : 20.04.2023.

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

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

(2) Criminal Application (APL) No.339/2021, is filed by one Rajkumar Maske, seeking to quash FIR in Crime No.82/2021, registered with Police Station Hudkeshwar, Nagpur, for the offences punishable under Sections 325, 504 and 506 of the Indian Penal Code, on account of settlement. Whilst Criminal Application (APL) No.1248/2022, is filed by one Asha Surkar, seeking to quash FIR in Crime No.83/2021, registered with Police Station Hudkeshwar, Nagpur, for the offences punishable under Sections 325, 504 and 506 of the Indian Penal Code along with related Charge-sheet No.31/2021, on account of settlement.

(3) The first Crime No.82/2021, is registered against Rajkumar, at the instance of Asha Surkar, whilst another Crime No.83/2021, was registered against Asha Surkar, at the instance of Rajkumar Maske. Precisely, these are the cross cases against each other. The allegations in first crime were pertaining to causing grievous hurt by means of fist blows whilst in another crime, the allegations are about abuses in filthy language coupled with hurt and threat.

(4) The parties are resident of same area. With the intervention of respectable members of the society, they have settled the internal differences. Both have settled the matter and filed joint compromise pursis stating about settlement and their no objection to quash respective FIR. Both are present before us and identified by their learned Advocates. Both have accepted about settlement and no objection to quash the FIR.

(5) It reveals that out of some transaction, the differences arose between the parties. The alleged offences are basically about causing hurt which cannot be termed as heinous or

serious one. Moreover, to maintain cordial relations, they have settled the dispute. In the circumstances, the interest of justice would be subserved by disposing both cases on account of settlement. Having regards to above fact, we deem it appropriate to invoke our inherent jurisdiction.

(6) Both applications are allowed and disposed accordingly. We hereby quash and set aside the FIR in Crime No.82/2021, registered with Police Station Hudkeshwar, Nagpur, for the offences punishable under Sections 325, 504 and 506 of the Indian Penal Code. We also quash and set aside the FIR in Crime No.83/2021, for the offences punishable under Sections 325, 504 and 506 of the Indian Penal Code along with related Charge-sheet No.31/2021.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

Prity