



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

CRIMINAL APPLICATION (APL) NO.1159/2023

1. Satish S/o Raviprasad Tripathi,
aged about 36 Yrs., Occ. Salesman.

2. Sau. Lata W/o Raviprasad Tripathi,
aged about 59 Yrs., Occ. Housewife.

Both R/o Plot No.245, Saraikar Nagar,
Futala, University Campus, Amravati
Road, Nagpur.

3. Shanu W/o Rajesh Sharma,
aged about 39 Yrs., Occ. Housewife,
R/o D-102, Utkarsh Anuradha
Apartment, Civil Lines, Nagpur.

4. Sau. Shweta W/o Surendra Mishra,
aged about 35 Yrs., Occ. Housewife,
R/o Aarohi Apartment, Ravi Nagar,
Nagpur.

... Applicants

- Versus -

1. State of Maharashtra,
through PSO Old Kamptee, Kamptee,
District Nagpur.

2. Vijay S/o Raviprasad Tripathi,
aged about 34 Yrs., Occ. Private,
R/o Near Darul Ulam Madarsa,
Pili Haveli Chowk, Kamptee,
Dist. Nagpur.

... Non-applicants

Mr. V. S. Mishra, Counsel for the Applicants.
Mr. M.J. Khan, A.P.P. for Non-applicant No.1.
Mr. Ayush M. Sharma, Counsel for Non-applicant No.2.

CORAM: VINAY JOSHI & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 17.10.2023

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard.

2. **ADMIT.**

3. This is an application seeking of quashing chargesheet arising out of Crime No.232/2019 registered with Police Station Old Kamptee, Tahsil Kamptee, District Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code on account of settlement.

4. It is the informants case that he has been assaulted by accused by means of knife, hammer and attempted to commit his murder. The parties are closely related with each other. The

applicants are mother, brother and sisters of the informant aged 28 years. The informant got married with a lady of different community against the wishes of the family. From the marriage informant started to reside separately with his wife and kids. It is his case that on 9.7.2019 he went to his parents house where there was minor alternation. The informant returned to his house where all the applicants came and again started to quarrel. At that time, applicant No.4 Shweta took out a knife and dealt a blow at his chest whilst applicant No.2 Lata dealt a blow of hammer at his head. Rests of the applicants have assisted the assailants. The informant sustained injuries of severe nature and, therefore, he was admitted in the hospital.

5. The police have completed the investigation and filed chargesheet in the Court. It is informed that though charge is framed however the evidence is yet to begin. Considering the close relationship, the parties have amicably settled the dispute. There were some counter cases against each other. During passage of time

all of them realized that litigative spirit never helps them in any manner rather it is at their detriment. All of them have executed a memorandum of understanding dated 5.8.2023 by which decided to resolve all issues by withdrawing all the litigations.

6. Today, the informant is present before us who is identified by his Advocate Mr. Ayush M. Sharma. The informant has also filed a short affidavit cum reply stating that the matter is settled and he do not wish to prosecute the case. On our query, informant has reiterated that the matter is settled and he has no objection to quash the proceedings.

7. We are mindful of the fact that at the instance of report dated 9.7.2019 crime has been registered for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. The investigation has been completed and chargesheet has been filed. We have gone through the injury report which discloses that informant sustained injury at his left lumber region as well as over

anterior aspect of chest. It reveals from medical papers that within 7 days informant was discharged from the hospital. Undoubtedly this Court is invested with inherent powers to do the complete justice which are unlimited one. We are not going only on the premise of sections invoked by the investigating agency. The dispute was amongst the family. Accused are real mother, two sisters and brother of the informant (injured). Since informant married in different community the dispute erupted which resulted into filing several complaints. After few years wisdom prevailed in the parties resulting into settling all the disputes by entering into compromise deed. The informant states that despite the allegation the accused being his real mother and siblings he is not inclined to put them adverse. Considering the peculiar facts of the case, more particularly, close relationship, we are inclined to exercise our inherent powers.

8. At this juncture, we have brought to the notice of the parties that due to registration of crime police machinery was rotated in carrying out investigation and filing chargesheet. More so, the

concerned Court was required to attend the file for a long period of near about three years. Perhaps due to non-appearance of the accused the Court has exhausted in taking necessary steps. At this juncture, applicants learned counsel upon instructions submitted that the applicants would deposit a sum of ₹25,000/- (₹ Twenty Five Thousand) towards costs.

9. Considering the nature of accusations, impact on the parties and particularly close relationship between the parties, continuation of prosecution would amount to abuse of the process of Court. Besides that since informant is not inclined to go with the prosecution there are high chances of him refuting back in the trial making the exercise futile.

10. In the circumstances, application is allowed.

11. We hereby quash and set aside the chargesheet arising out of Crime No.232/2019, registered with Police Station Old

Kamptee, Tahsil Kamptee, District Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code which is numbered as Sessions Case No.63/2020 pending on the file of Additional Sessions Judge, Nagpur.

12. The applicants shall deposit a sum of ₹25,000/- (₹ Twenty Five Thousand) to Police Welfare Cell on or before 25.10.2023.

13. The matter be placed for compliance on 26.10.2023.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)