



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

CRIMINAL APPLICATION NO.1324 OF 2022

1. Pritam s/o Sunil Gupta, aged about 36 years, Occ : Contractor, R/o Bothia (Palora), Tahsil Ramtek, District Nagpur.
2. Nilam s/o Sunil Gupta, aged about 34 years, Occ. Contractor, R/o Bothia (Palora), Tahsil Ramtek, District Nagpur.

(Org. Accused No.2)

... APPLICANTS.

VERSUS

1. The State of Maharashtra, through the Police Station Officer, Deolapar Police Station, District Nagpur.
2. Prakash s/o Gulab Dule, aged about 52 years, Occ : Service, R/o Sitalwadi Railway Station, Tahsil Ramtek, District Nagpur.

... NON-APPLICANTS.

Shri S.E. Sahasrabuddhe, Advocate for the applicants.
Shri Doifode, A.P.P. for the non-applicant/State.
Shri M.A. Gupta, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 18.08.2023.

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

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. This is an application seeking to quash the First Information Report as well as charge-sheet relating to Crime No.36 of 2016 registered with the Devlapar Police Station, Nagpur rural for the offence punishable under Sections 353, 332, 186, 504 read with Section 34 of the Indian Penal Code (IPC), on account of settlement.

4. Non-applicant no.2 informant was serving as a labour with the Zilla Parishad, Ramtek, Minor Irrigation Department. On 20.02.2016, the informant has visited work site and noted bad quality of sand having lumps hence he informed the same to the superior. The contract was assigned to applicant no.1 of said work. After sometime, both applicants came to the informant's office, abused him and man handled in which the informant sustained injury. For said occurrence, the informant went to the concerned Police Station and lodged the report. The Police have carried the investigation and filed charge-sheet.

It is informed that yet the trial Court has not framed the charges.

5. During meantime, with the aid and intervention of elderly persons, the parties have amicably settled the dispute. The informant is present before the Court, who is identified by his Counsel Shri M.A. Gupta. We have inquired with the informant on which he has accepted about the settlement and his non inclination to go on with the prosecution. The informant has filed a separate affidavit to that effect. He has stated that under heat of passion there was mere verbal altercation in which by loss of balance, he fall down. He stated that out of misunderstanding he lodged the report, and therefore, he do not want to prosecute the criminal case.

6. It reveals from the occurrence that on minor issue, as of sudden there was quarrel. The informant did not sustain injury in the occurrence. The offence cannot be termed as a heinous or of antisocial nature. In view of the settlement, continuation of proceedings amounts to abuse of the process of Court. At this juncture, we have brought to the notice that due to registration of FIR matter is investigated, charge-sheet is filed and the Trial Court has exhausted in the proceeding with the matter. The learned Counsel for the applicants upon instructions would submit that the applicants would deposit total sum of

Rs.20,000/- towards costs.

7. In view of above, we are inclined to exercise our inherent jurisdiction to secure the ends of justice. Hence the following order :

- (a) The application is allowed.
- (b) We hereby quash and set aside the First Information Report in Crime No.36 of 2016 registered with the Devlappar Police Station, Nagpur rural for the offence punishable under Sections 353, 332, 186, 504 read with Section 34 of the Indian Penal Code (IPC) along with the related charge-sheet pending on the file of the Additional Sessions Judge, Nagpur.
- (c) The applicants shall deposit total sum of Rs.20,000/- with the High Court Bar Association, Nagpur on or before 25.08.2023.

8. Matter be placed on 28.08.2023 for noting the compliance.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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