



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

CRIMINAL APPLICATION NO.1247 OF 2023

1. Raju @ Bhikku s/o Rambhau Parchake
age about : 42 yrs, Occu Private R/o
Medical Road, Near Maitri Buddha
Vihar, Rambag, Ajni, Nagpur.
2. Abhijit @ Sunil s/o Ajay Pahune aged
about 25 yrs, Occu. Private R/o Medical
Road, Near Maitri Buddha Vihar,
Rambag, Ajni, Nagpur.
3. Nilesh @ Nana s/o Vinod Meshram aged
about 26 yrs, Occu. Private R/o Medical
Road, Near Maitri Buddha Vihar,
Rambag, Ajni, Nagpur.
4. Ashish s/o Ashok Raghuvanshi Yadav
Age about 33 yrs, Occu. Private, R/o C/o
Pandurang Wagh, Ward No.122, Near
Hanuman Mandir, Ganeshpeth, Mahal,
Nagpur.

... APPLICANTS

VERSUS

1. State of Maharashtra, through P.S.O.
Imamvada Police Station, Nagpur.
2. Sunny @ Nabi s/o Surajrao
Rahulkar, Age 36 yrs, Occu. Private
R/o Haribhau Wanjari House, Behind
Seema Vastra Bhandar, Rambag,
Ajni, Nagpur.

... NON-APPLICANTS.

Shri A. Hunge, Advocate for the applicants.

Shri Ghurde, Addl.PP for the State.

Shri Anirudh Ananthakrishnan, Advocate for the non-applicant no.2.

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

DATED : 03.11.2023.

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 in Crime No.220 of 2023 registered with the Imamvada Police Station, Nagpur City for the offence punishable under Sections 386, 387 read with Section 34 of the Indian Penal Code, on account of mutual settlement.

4. The informant was running a grocery shop. It is his contention that the applicants by putting him under threat, have raised monetary demand. Particularly the applicants have demanded sum of Rs.2,000/- for allowing to run a grocery shop. In short, the informant

alleges that the applicants were demanding 'Hapta' for running the Grocery shop, and therefore, the report for the offence of extortion.

5. The parties have mutually settled the dispute. The informant is present in the Court and he is identified by his Counsel Shri Anirudh Ananthakrishnan. He has filed a joint affidavit as well as Compromise Deed stating that the matter has been amicably settled and he do not want to prosecute the criminal case. He would submit that both are residing in the same locality and to maintain cordial relations, he has settled the dispute. The informant gave his no objection for quashing of the FIR. On our query, the informant admitted that the matter is settled and he do not wish to prosecute the criminal case.

6. Learned Addl.PP has attracted our attention to the crime chart of the accused, which indicates that several offences have been registered against all the applicants. Certainly, the antecedents is one of the factor however it is apparent that the informant himself is not willing to go on with the prosecution. The alleged offences are not punishable with death or imprisonment for life. The offences are triable by the Court of Magistrate. The informant urged that the applicants always remain in his locality and thus, with the aid and intervention of

the elderly, the differences were patched up. It is the informant's contention that quashing of the proceedings would further to maintain cordial relations and peace in the locality.

7. At this juncture, we have brought to the notice of the learned Counsel for the applicants that the Police are required to investigate the matter. So also, the applicants are bagging with criminal antecedents. At this juncture, learned Counsel for the applicants expressed that the applicants would deposit the sum of Rs.40,000/- towards the costs.

8. Taking over all view of the matter, though the offence of extortion has been registered, no dangerous weapon was used in the commission of offence. The informant is a layman running grocery shop. If the case is kept pending then there is likelihood that till the conclusion of trial, he may be under pressure. On the other hand, it reveals that with the aid of local residents, the matter has been settled. The applicants assure that they would not commit the similar offence further more.

9. Considering all above aspects, to maintain cordial relations in the vicinity, we are inclined to invoke our inherent powers. In view of the above, the application is allowed. We hereby quash and set aside

the First Information Report in Crime No.220 of 2023 registered with the Imamvada Police Station, Nagpur City for the offence punishable under Sections 386, 387 read with Section 34 of the Indian Penal Code, on the condition that the applicants shall deposit costs of Rs.40,000/- with the High Court Bar Association, Nagpur till tomorrow i.e. on 04.11.2023.

10. Place the matter on 06.11.2023 for noting the compliance.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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