

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

CRIMINAL APPLICATION (APL) NO. 1352/2021
WITH
CRIMINAL APPLICATION (APL) NO. 1497/2022

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CRIMINAL APPLICATION (APL) NO. 1352/2021

1. Digambar Okate,
Age 82 yrs., Occ. Agriculturist,
2. Santosh Digambar Okate,
Age 46 yrs., Occ. Agriculturist,
3. Nandkishor Digambar Okate,
Age 48 yrs., Occ. Agriculturist,

All R/o. Nimkhed, Tq. Patur,
Dist. Akola.

APPLICANTS

VERSUS

1. State of Maharashtra,
through its Police Station Officer,
Channi, Tq. Patur, Dist. Akola.
2. Ganesh S/o. Siddarth Hatole,
Age 24 yrs., Occ. Labour,

All R/o. Nimkhed, Tq. Patur,
Dist. Akola.

NON-APPLICANTS

Mr. Deepak S. Patil, Advocate for applicants.
Mr. N. R. Rode, APP for non-applicant No.1/State.
Mrs. A.M. Moon, Advocate for non-applicant No.2.

WITH

CRIMINAL APPLICATION (APL) NO. 1497/2022

1. Ganesh Siddharth Hatole,
Aged 24 yrs., Occ. Laborer,
R/o. Nimkhed, Tq. Patur,
Dist. Akola.

APPLICANT

VERSUS

1. State of Maharashtra,
through its Police Station Officer,
Channi, Tq. Patur, Dist. Akola.
2. Nandkishor Digambar Okate,
Aged 48 yrs., Occ. Agriculturist
R/o. Nimkhed, Tq. Patur,
Dist. Akola.

NON-APPLICANTS

Mrs. A. A. Moon, Advocate for applicant.
Mr. N. R. Rode, APP for non-applicant No.1/State.

CORAM

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

DATE OF JUDGMENT : 15.03.2023

JUDGMENT (PER VINAY JOSHI, J.)

Heard.

2. **Admit.**

3. Both applications are arising out of rival Police Reports seeking to quash respective crimes registered against each other. So also, they are seeking to quash the respective charge-sheet.

4. At the instance of report lodged by one Ganesh Hatole, Crime No. 358/2021 was registered with Channi Police Station, Tq. Patur, Dist. Akola for the offence punishable under Sections 323, 504 read with Section 34 of the Indian Penal Code and Section 3(2) (va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ('SC and ST Act'). It is his case that on 19.09.2021 around 08.00 a.m. while he was fetching water from public tap, applicants of criminal application No. 1352/2021 have abused him in the name of caste as well as threatened and beat him. So also, at the relevant time, his mother intervened to resolve the dispute but applicants also manhandled her, therefore the report.

5. Likewise another report is lodged by Nandakishor Okate vide Crime No. 356/2022 registered with the same Police Station for the offence punishable under Sections 294, 323, 504, 506 of the Indian Penal Code. It is his contention that at the same time, while he was near public tap, the applicant Ganesh has abused him as well as assaulted, therefore the report.

6. The incident is one and the same which gave rise to lodgment of rival reports alleging against each other. The Police investigated the matter and filed charge-sheet in both cases. The parties are neighbouring residents, with the aid and advise of the villagers, they have settled the dispute out of Court and decided to

put an end for maintaining peace and harmony. The informant Ganesh of Crime No. 358/2021 is present before us who has been identified by Mr. D. S. Patil, learned counsel. On inquiry, the informant submitted that the matter is settled and he does not want to prosecute with criminal case. He has also filed a copy of affidavit to that effect. Applicant Ganesh has filed undertaking stating that his mother Shilabai does not want to prosecute.

7. As regards to Crime No. 356/2021 registered with the same Police Station, the informant therein namely Nandkishor is present before us. He has been identified by Mrs. A. A. Moon learned counsel. We have inquired with the informant which he accepted the compromise and stated that he does not want to prosecute with the pending criminal case.

8. By and large, it was a dispute between neighbours arose out of fetching water in the village. Settlement would certainly further in maintaining peace in the village. The offences cannot be termed as heinous or of anti-social nature. Since the matter is settled, there is no purpose in continuing the criminal prosecution which may amount to abuse of the process of the Court. In view of that, we allowed both applications.

9. We hereby quashed and set aside FIR in Crime No. 356/2021 registered with Channi Police Station for the offence punishable under Sections 294, 323, 504, 506 of the Indian Penal Code and related Summary Criminal Case No. 59/2022 pending on the file of Judicial Magistrate First Class, Patur. We also hereby quashed and set aside FIR in Crime No. 358/2021 registered with Channi Police Station, Tq. Patur, Dist. Akola for the offence punishable under Sections 323, 504 read with Section 34 of the Indian Penal Code and Section 3(2)(va), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and related Atrocities Special Case No. 23/2022 pending on the file of Special Sessions Court, (District Judge-3), Akola.

10. Both applications stands disposed of in above terms.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

Gohane