



Judgment

04 apl 1496.23

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

CRIMINAL APPLICATION (APL) NO. 1496/2023

1. Mohammad Hasan s/o. Mohammad Bashir,
Aged about 34 yrs., Occ. Private,
R/o. Bhaji Mandi, Madan Chowk, Kamptee,
Dist. Nagpur.
2. Mohammad Hussain s/o. Mohammad
Bashir, aged about 34 yrs., Occ. Private,
R/o. Bhaji Mandi, Madan Chowk, Kamptee,
Dist. Nagpur.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
Police Station, Juni Kamptee,
Dist. Nagpur.
2. Mohammad Bilal Nagani s/o.
Mohammad Hanif Nagani,
aged about 36 yrs., Occ. Private,
R/o. Dr. Sheikh Bunkar Colony,
Kamptee, Dist. Nagpur.

...**NON-APPLICANTS**

Mr. Bhushan Dafle, Advocate for applicants.
Mr. M.J. Khan, APP for non-applicant No.1.
Mr. Vinay Rathi, Advocate for non-applicant No.2.

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

DATE : 06.11.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

On oral request, the applicants are permitted to carry out the necessary amendment forthwith.

2. Stand over to 02.30 p.m.

latter on:-

3. Heard finally with the consent of both sides.

4. **Admit.**

5. This is an application seeking to quash and set aside the proceeding in RCC No. 174/2022 pending on the file of Judicial Magistrate First Class, Kamptee, Dist. Nagpur arising out of First Information Report ('FIR') vide Crime No. 175/2022 registered with Police Station, Juni Kamptee, Dist. Nagpur for the offence punishable under Sections 294, 323, 506(2) read with Section 34 of the Indian Penal Code.

6. It is the prosecution case that on the day of occurrence, while informant was passing from the road, both applicants accosted him and abused in filthy language. The applicants have also threatened him to kill by show of weapon. The investigation is

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complete and charge-sheet has been filed. During pendency of this application, the parties have amicably settled the dispute. The informant has filed reply-affidavit about the settlement and his no objection to quash the proceeding. It is informed that though charge-sheet is filed, yet witness summons have not been issued. The informant is present before us who has been identified by his Advocate Mr. Vinay Rathi. The informant stated that both are staying in the same vicinity and to maintain cordial relation, they have settled the dispute. On our query, he stated that he do not wish to go on with the prosecution.

7. The incident is about giving threats by show of weapon and abuses in filthy language. There are no allegations of causing hurt. The offence cannot be termed as heinous or anti-social. Both parties are residing in the same area and thus, settlement would further in maintaining cordial relations. When it is brought to the notice that the Police Machinery was rotated, the learned counsel for applicants have expressed their willingness to deposit Rs. 20,000/- towards cost.

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8. Considering the nature of crime and aspect of settlement, continuation of prosecution would be exercise in futility. In view of that, application is allowed. We hereby quash and set aside the proceeding in RCC No. 174/2022 pending on the file of Judicial Magistrate First Class, Kamptee, Dist. Nagpur arising out of First Information Report ('FIR') vide Crime No. 175/2022 registered with Police Station, Juni Kamptee, Dist. Nagpur for the offence punishable under Sections 294, 323, 506(2) read with Section 34 of the Indian Penal Code.

9. Application stands disposed of in above terms.

10. The applicants shall deposit cost of Rs. 20,000/- on or before 09.11.2023 with the High Court Gazetted Officers' Association, Nagpur.

11. The matter be place on 10.11.2023 for noting compliance.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)