

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

CRIMINAL APPLICATION [APL] NO. 15/2023.

1.Ajay s/o Rameshchandra Sharma,
Aged about 42 years, Occupation -
Agriculturist, resident of Krishnakunj,
Behind LRT College, Ramnagar,
Akola, Taluq and District Akola.

2.Atul s/o Rameshchandra Sharma,
Aged about 39 years, Occupation -
Business, resident of Behind LRT
College, Ramnagar, Taluq and District Akola.

3.Himanshu s/o Chandramohan Tolambe,
Aged about 29 years, Occupation -
Business, resident of Behind LRT
College, Ramnagar, Taluq and District Akola.

4.Ajay s/o Girdharilal Sharma @ Golu Sharma,
Aged about 32 years, Occupation -
Transport, Bihari Kunj, Opposite Gopal
Kutiya, Rajputpura, Akola,
Taluq and District Akola.

5.Abhishekh s/o Bharat Murarka,
Aged about 34 years, Occupation -
Private, resident of Gaurakshan Road,
Madhav Nagar, Nivara Colony No.3,
Akola, Taluq and District Akola.

6.Atul @ Amol s/o Ramdular Pande,

Aged about 37 years, Occupation -
Business, resident of Pande House,
infront of Sitlamata Mandir, Dasera
Nagar, Hariharpeth, Akola,
Taluq and District Akola.

7.Naval Omprakash Khuraniya,
mentioned as Ramesh s/o Ramkumar
Wankhede,
Aged about 42 years, Occupation -
Private, resident of Khansab Wada,
Saraf Bajar, Akola,
Taluq and District Akola.

8.Shubham s/o Arun Khatri,
Aged about 28 years, Occupation -
Xerox Shop, resident of Old Cloth
Markt, Tajnapeth, Akola,
Taluq and District Akola.

9.Rahul s/o Mukesh Bhatiya,
Aged about 28 years, Occupation -
Business, resident of New Radhakishan
Plot, Opposite Main Hospital, Shashi
Krupa Society, Akola,,
Taluq and District Akola.

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APPLICANTS.

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station Chikhaldara,
Taluq Chikhaldara,
District Amravati.

2.Suhas s/o Sadashiv Parkhi,
Age 48 years, Occupation Service,
resident of Nigadi, Pune.
Currently residing at MTDC Resort,
Mahabaleshwar, Tq. Mahabaleshwar,
District Satara.

3.Raju s/o Umraosingh Suradkar,
Age 38 years, Occupation - Government
Service, resident of Rathi Apartment,
40, Bhiga, Malkapur,
District Buldhana.

4.Natthu s/o Omkar Khadke,
Age 26 years, Occupation -
Service, resident of Pandhri, Tq.
Chikhaldara, District Amravati.

5.Santosh s/o Ganesh Khadke,
Age 21 years, Occupation - Service
resident of Labda, Tq. Chikhaldara,
District Amravati.

6.Dnyaneshwar @ Kumar s/o Shankarao Kewate,
Age 35 years, Occupation – Service
[cook], resident of Wadhona, Tq. Arvi,
District Wardha,
Currently residing at MTDC Resort,
Mozari, Mozari Point, Tq. Chikhaldara,
District Amravati.

7.Devappa s/o Bhimrao Rakshe,
Aged 38 years, Occupation – Service,
resident of Gadhingj, Tq. Gadhingj,
District Kolhapur,
Currently residing at MTDC,
Chikhaldara, Tq. Chikhaldara,
District Amravati.

Rgd.

8.Rohan @ Pappu s/o Sunil Sadashiv,
Aged 26 years, Occupation -
Service, resident of Ambedkar Nagar,
Ward No.6, Chikhaldara,
Tq. Chikhaldara, District Amravati.

9.Dr.Yogesh s/o Udajirao Kale,
Aged 44 years, Occupation - Doctor
resident of Jijau Nagar, Chikhli,
Tq. Chikhli, District Buldhana.

10.Dr. Ashutosh s/o Gulabrao Solanki,
Aged 35 years, Occupation – Doctor
resident of Civil Colony, Deulgaonraja,
District Buldhana.

11.Dr. Yogesh s/o Babanrao Dhokane,
Aged 45 years, Occupation – Doctor,
resident of near Ghatanji Bus Stand,
Ghatanji, Tq. Ghatanji,
District Yavatmal.

... **NON-APPLICANTS**

Mr. Anil Mardikar, Senior Advocate with Shri V.R. Deshpande,
Advocate for Applicants.

Ms. M. Deshmukh, A.P.P. for Non-applicant No.1/State.
Shri S.V. Sirpurkar, Advocate for Non-applicant Nos.2 to 11.

CORAM : VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATE : MARCH 02, 2023.

ORAL JUDGMENT (PER , VINAY JOSHI, J.) :

Considering the controversy involved in the matter, and with consent of the learned Counsel present for the respective parties, Criminal Application is taken up for final disposal at the stage of admission.

Admit.

2. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash the first information report bearing Crime No.100/2015 registered with Chikhaldara Police Station, District Amravati for the offence punishable under Sections 395, 353, 427, 332, 323, 504 and 506 of the Indian Penal Code, Section 3 of the Damage to the Public Property Act and Sections 65[d] and 83 of the Maharashtra Prohibition Act, along with related Sessions Case No.17/2016, pending on the file of Additional Sessions Judge, Achalpur. Though charge sheet has been filed, it is informed that yet charges have not been framed.

3. Besides contention on merits, primely the first

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information report is sought to be quashed on account of settlement in between the parties. An untoward incident had occurred in the MTDC Guest House at Chikhaldara on 01.08.2015, wherein a group of people [applicants] had indiscriminately assaulted the employees and visitors of the guest house, resulting into filing of the first information report. The report was lodged by the Manager of the MTDC Guest House detailing the occurrence. It is stated that on the particular date, around 11.15 p.m. applicants came to the guest house under influence of liquor and raised a demand for allotment of rooms. Since accommodation was not available, they got annoyed and manhandled all the employees of the MTDC. Some of the visitors tried to intervene, but, they were also not spared. In the said occurrence several employees sustained minor injuries. One of the intervenor Raju Suradkar [Tahsildar] lost his gold ring and, therefore, the report.

4. Applicants are residents of Akola, and were on pleasure visit to Chikhaldara. Without admitting the contents, they state that since they realized their mistake and in order to put an end to the

Rgd.

7

matter, they have approached to all the victims for settlement. With the intervention of respectable persons, the matter was settled and all the victims have large heartedly pardoned applicants.

5. The informant as well as all the injured, who are non-applicant nos. 1 to 6 appeared on last date. They admitted about the settlement and gave no objection for quashing of the first information report. Today non-applicant nos. 7 and 8 are present, who equally gave their no objection for quashing of the first information report. The report refers to three other persons who were also manhandled, they are Doctors by profession. They have been added as non-applicant nos. 9 to 11 in the application. All non-applicant nos. 2 to 11 have filed separate affidavits stating that the matter has been settled and they do not want to prosecute the matter further.

6. The incident was a sudden occurrence. The parties were unknown to each other. However, as accommodation was refused, bad sense prevailed on applicants in putting everything under terror.

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It is informed that applicants are businessman, having no antecedents at all. It emerges that nothing was pre-planned, but, at a spur of moment the occurrence took place. Having regard to the totality of circumstances, it cannot be said that the offence is of serious nature.

7. Reading of first information report discloses that poor employees have suffered in the occurrence as well as innocent visitors also lost the peace for which they had been to Chikhaldara. Filing of the first information report required the police to mobilize the machinery by arresting applicants and carrying further investigation. In short police have spent their time and energy in working on the allegations of the first information report. When this fact was brought to the notice of applicants, they stated that they have repentance for their act, and showed their willingness to deposit an amount of Rs.1 lakh towards costs. In view of the peculiar facts of this case we deem it appropriate to invoke our inherent powers vested under Section 482 of the Code of Criminal Procedure to secure the ends of justice. Hence the following order.

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ORDER

- [i] Criminal Application is allowed and disposed of.
- [ii] The first information report bearing Crime No.100/2015 registered with Chikhaldara Police Station, District Amravati for the offence punishable under Sections 395, 353, 427, 332, 323, 504 and 506 of the Indian Penal Code, Section 3 of the Damage to the Public Property Act and Sections 65[d] and 83 of the Maharashtra Prohibition Act, along with related Sessions Case No.17/2016, pending on the file of Additional Sessions Judge, Achalpur, is hereby quashed and set aside.
- [iii] Applicants shall deposit cost amount of Rs.1 lakh [Rs.1,00,000/-] with the High Court Bar Association, Nagpur on or before 14.03.2023. The matter be listed on 15.03.2023 for reporting compliance.

JUDGE

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