



Judgment

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

CRIMINAL APPLICATION [APL] NO. 1549 OF 2023.

Atharva @ Rahul Ashok Chimurkar,
Age 25 years, Occupation – Engineer,
resident of 206, Bhagyashri Layout,
Trimurti Nagar, Nagpur – 440022.

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APPLICANT.

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station Immamwada,
Nagpur, District Nagpur.

2.Sumit s/o Devendra Meshram,
Aged about Major, Occupation -
Nil, resident of Bhim Nagar, Plot
No.9, Rameshwari, Nagpur.

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NON-APPLICANTS.

Mr. S.S. Dhengale, Advocate for the Applicant.
Mr. M. Khan, A.P.P. for Non-applicant no.1 - State.
Mr. S. Rawate, Advocate for Non-applicant No.2.

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

DATE : NOVEMBER 07, 2023.

Rgd.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Admit. By consent of the learned Counsel appearing for the respective parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the criminal proceeding bearing Regular Criminal Case No.381/2020 pending on the file of Chief Judicial Magistrate, Nagpur arising out of Crime No.19/2020 registered with Immamwada Police Station, Nagpur for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code, on account of settlement.

3. The informant was plying Ola vehicle on regular basis. On the date of incident, there was a dash in between two vehicles. Applicant and other two co-accused came out from the vehicle and there was a quarrel in which one of them dealt blow on the head of the informant by means of iron rod. The informant was shifted to hospital and after treatment he has lodged the report. Police have

Rgd.

completed the investigation and filed the charge sheet.

4. It is informed that yet charges are not framed. The matter is mutually settled between the informant and particularly with accused no.2 Atharva. The informant has filed reply on affidavit stating that as the matter is settled, he do not wish to prosecute against the present applicant. The reply also contains an averment that the applicant is B.Tech, and was about to secure a job. The informant is present before the Court and is identified by his Advocate Shri Rawate. The informant orally stated that in said occurrence, the applicant was merely present, but, the actual assault was by co-accused, who is owner of the car.

5. The alleged offence is of causing hurt by dangerous weapon, which cannot be termed as heinous or antisocial. According to the informant, the applicant has not assaulted him at the time of occurrence. The case is amicably settled in between the parties. The applicant is young educated boy who is desirous of getting employment. Considering the above circumstances, we are inclined to exercise our inherent powers. In view of that, Criminal Application

is allowed and disposed of. We hereby quash Criminal proceedings bearing Regular Criminal Case No. 381/2020 pending on the file of Chief Judicial Magistrate, Nagpur arising out of Crime No.19/2020 registered with Immamwada Police Station, Nagpur for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code, to the extent of applicant – Atharva @ Rahul Ashok Chimurkar only.

6. We make it clear that the prosecution shall continue against rest of the accused persons.

JUDGE

JUDGE