

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

CRIMINAL APPLICATION [APL] NO. 149/2023.

Sau. Radha @ Arti w/o Arjun
Behuniya, Aged about 25 years,
Occupation – Safai Kamgar,
resident of Near Municipal High
School, Kalmeshwar, Tahsil
Kalmeshwar, District Nagpur. ... **APPLICANT.**

VERSUS

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

2.Haridas Ghanshyam Chamke,
Aged about 45 years,
Occupation – Service, resident
of Shriniketan Colony, Ward No.14,
Police Station, Kalmeshwar,
District Nagpur. ... **NON-APPLICANTS.**

Mr. S.S. Das, Advocate for the Applicant.
Mr. N.R. Rode, A.P.P. for Non-applicant No.1/State.
Mr. M.L. Chandrikapure, Advocate for Non-applicant No.2.

**CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.**
DATE : APRIL 17, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard finally by consent of the learned Counsel present for the parties.

Admit.

2. This is an application seeking to quash the first information report bearing Crime No.126/2016 registered with the Kalmeshwar Police Station, Nagpur for the offence punishable under Sections 419, 420, 143, 353, 186, 504, 506 and 120-B of the Indian Penal Code along with charge-sheet bearing R.C.C.No.179/2016 pending on the file of Judicial Magistrate First Class, Kalmeshwar, District Nagpur on account of settlement in between the parties. The applicant is one of the accused in the said crime.

3. The non-applicant no.2/informant has lodged a report on

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27.02.2016 regarding the occurrence. The informant is working as a Supervisor with the Nagar Parishad, Kalmeshwar. It was his job to assign sweeping work to daily wagers. It is the contention of the informant that on 25.02.2016 there was a quarrel on account of non-allotment of work to some female worker. At the relevant time Durgesh Paserkar gave threats to him in which several ladies participated including the present applicant, therefore, the report. The police have completed the investigation and charge sheet has been filed, however, it is informed that as yet the case is not committed to the Court of sessions.

4. During the meantime, the informant has settled the matter with the applicant / lady. He has filed a pursis stating that there was no active role of the applicant in the incident, and therefore, he do not wish to prosecute the case against her. He has also given no objection for quashing of the first information report to the extent of applicant only.

5. The informant is personally present before the Court and

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is identified by his Advocate. We have enquired with the informant, to which he has accepted about the settlement and his no objection to quash the first information report.

6. It reveals that the role assigned to the applicant lady is about mere present at the time of occurrence. Principal allegations are against co-accused. Moreover, the matter is now settled in between the parties. The offence cannot be termed as a heinous or antisocial. The applicant and the informant are working in the Nagar Parishad and thus, day to day they have to confront with each other. Having regard to said position, continuation of prosecution would be an abuse of the process of the Court. On aforesaid background, the chances of conviction are remote and bleak. In view of above, we are inclined to invoke our inherent jurisdiction and pass the following order.

ORDER

[i] Criminal Application is allowed and disposed of.

[ii] The first information report bearing Crime No.126/2016

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registered with the Kalmeshwar Police Station, Nagpur for the offence punishable under Sections 419, 420, 143, 353, 186, 504, 506 and 120-B of the Indian Penal Code along with charge-sheet bearing R.C.C.No.179/2016 pending on the file of Judicial Magistrate First Class, Kalmeshwar, District Nagpur is hereby quashed and set aside, so far as it relates to the applicant – Sau.Radha @ Arti Arjun Behuniya only.

JUDGE**JUDGE**