



Judgment

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

CRIMINAL APPLICATION [APL] No. 193 OF 2024.

Vaibhav @ Chutu Balu
Mahendrasingh Raghuwanshi,
Aged about 26 years,
Occupation – Labour, resident of
Behind Government Milk Scheme,
Pimple Nagar, Tahsil and
District Akola.

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APPLICANT.

VERSUS

1.State of Maharashtra,
through P.S.O., P.S. Khadan,
Tahsil and District Akola.

2.Satish s/o Govindrao Lokhande,
Aged 45 years, Occupation – Auto
Driver, resident of Ganesh Workshop,
Devi Khadan, Kaulkhed Road,
Tahsil and District Akola.

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NON-APPLICANTS.

Mr. P.V. Navlani, Advocate for the Applicant.
Ms Kolhe, A.P.P. for Non-applicant No.1.
Mr. R. Siddharth, Advocate for Non-applicant No.2.

**CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.**

DATE : FEBRUARY 02, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.**

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

2. This is an application seeking to quash the first information report bearing Crime No.145/2024 registered with Khadan Police Station, Akola for the offence punishable under Sections 324 and 506 of the Indian Penal Code, on account of settlement.

3. The informant, an auto driver, has parked his auto in front of one hotel. The applicant who is owner of the hotel, came to the informant and asked him to remove his auto, on which there was a scuffle, in which the applicant hit at the head of the informant by means of bracelet, causing him bleeding injury, and therefore, the

Rgd.

report.

4. With the aid and intervention of the local people, the matter is amicably settled. The informant has stated that the incident was at the spur of moment, in which he sustained minor injury from which he is fully recovered. Having regard to the nature of occurrence, and to maintain cordial relations the informant do not wish to prosecute the matter further. The informant has appeared today in the matter through his Advocate and filed reply affidavit to that effect. He has equally stated about the settlement and has no objection to quash the proceeding.

5. Bare reading of the police report indicates that there was no prior rivalry, but, only at the instance of parking of auto, abruptly the incident took place. Certainly the way of the applicant to remove the auto was not correct, but, it had happened as emotions ran high. Taking into account all the above circumstances, on the canvass of settlement, continuation of prosecution would result into abuse of the process of law.

Rgd.

6. The learned Counsel for the applicant upon instructions would submit that the applicant would deposit an amount of Rs.10,000/- [Rs. Ten Thousand only], towards costs borne on account of rotating police machinery.

7. In view of above, criminal application needs to be allowed, hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The first information report bearing Crime No.145/2024 registered with Khadan Police Station, Akola for the offence punishable under Sections 324 and 506 of the Indian Penal Code, is hereby quashed and set aside.
- (iii) The applicant to deposit an amount of Rs.10,000/- [Rs.Ten Thousand only], with the High Court Bar Association, Nagpur within a period of four days from today. List the matter on 08.02.2024 for reporting compliance.

JUDGE

JUDGE