



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

CRIMINAL APPLICATION (APL) NO.417/2022

1. Vikas S/o Shrikrishna Apte,
aged about 73 Yrs., Occ. Retired.
2. Anoop S/o Vikas Apte,
aged about 39 Yrs., Occ. Private Job.

Both applicants are residing at
Flat No.D-301, R.K. Pride, New
D.P. Road, Kothrud, Pune.

... Applicants

- Versus -

1. The State of Maharashtra,
through P.S.O. Police Station Dhantoli,
District Nagpur.
2. Smt. Sheetal W/o Ajay Karkare,
aged about 47 Yrs., Occ. Housewife,
R/o First Floor Unit No.1 "Sanwadi
Apartments" Plot No.58, Congress
Nagar, Nagpur.
(P.S. Dhantoli)

... Non-applicants

Mr. N. S. Khandewale, Advocate for the Applicants.
Ms. S.V. Kolhe, A.P.P. for Non-applicant No.1.
Mr. A.P. Vyas, Advocate for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 18.1.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. This is an application seeking to quash the Chargesheet dated 12.02.2022 filed under Sections 448 and 506 read with Section 34 of the Indian Penal Code arising out of Crime No.0338/2021 filed by non-applicant No.1 Police Station Dhantoli, District Nagpur and to quash and set aside S.C.C. No.3621/2022 pending on the file of 15th Joint C.J.J.D. and J.M.F.C., Nagpur on account of settlement.

3. A lady owns a house property who has assigned ground floor to accused No.1 whilst upper floor to the mother of the informant. The accused No.1 was mostly staying at Pune. He has leased ground floor premises to the informant who is daughter of his real sister. Informant was paying monthly rent to accused No.1 at the rate of Rs.6,000/- per month. It is informant's contention that on 15.10.2021 accused No.1 gave her threats for vacating the ground floor premises. Moreover on the following day both accused arrived at the place, broke open the ground floor premises which were possessed by informant, removed belongings and took forcible possession that is why

report has been lodged. The police have investigated the matter and filed chargesheet. It is informed that yet the trial Court has not recorded the plea.

4. In the meantime, with the aid and intervention of relatives the matter has been amicably settled. Accused have compensated the informant by way of paying Rs.24,000/-. Since the parties are closely related to each other the informant chooses to settle and put an end to the dispute. The informant lady is present before us who is identified by her Advocate. She admits that she has received sum of Rs.24,000/- and considering the close relationship she has no objection to quash the proceedings.

5. It was a dispute between family members. Accused No.1 is maternal uncle of the informant. Considering the relationship the matter has been settled. Certainly the offence cannot be termed as serious or antisocial. Since the dispute is settled the continuation of trial would be an exercise in futility. In peculiar facts and circumstances we are inclined to exercise our inherent powers.

6. In view of the above application is allowed. We hereby quash and set aside criminal prosecution namely S.C.C. No.3621/2022 pending on the file of 15th Joint C.J.J.D. and J.M.F.C. arising out of Crime No.0338/2021.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)