



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

CRIMINAL APPLICATION (APL) NO. 611 OF 2024

1. Salman s/o Salam Sufi
Aged 29 about years, Occ. Business,
R/o. Sufi Building, Pinjari Lane,
Near Rajaram Library,
Sitabuldi, Nagpur
2. Shivam s/o Avinash Yadav
Aged about 25 years, Occ. Business,
R/o. Tekdi Road, Gawali Pura, Sitabuldi,
Nagpur, Maharashtra.
3. Abhishek s/o Gopichand Patil
Aged about 23 years, Occ. Business,
R/o. Plot No.43, Shrinagar Ingole Layout,
Nagpur, Maharashtra.



... Applicants

Versus

1. State of Maharashtra,
Through Police Station Officer,
Police Station Ambazari,
District – Nagpur.
2. Ashish Chhattu Yadav
Aged about 23 years, Occ. Security Guard,
R/o. C/o. Chhattu Yadav,
Qtr. No.749 Ward No.3, Hawa Mahel Walni,
Rohana, Nagpur, Maharashtra.



... Non-applicants

Mr. Y.P. Bhelande, Advocate for applicants.
Ms. Trupti Udeshi, APP for non-applicant No.1.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.
DATE : 07.05.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of both the learned counsel for the parties.

(2) Admit.

(3) This is an application seeking to quash FIR in Crime No.598/2023 registered with Police Station Ambazari, Nagpur, for the offence under Sections 294, 323, 506 (2) read with Section 34 of the Indian Penal Code on account of settlement.

(4) The informant is serving as a Security Guard in a Cafe and restaurant namely Shosha Cafe. On 28.08.2023, around 12:30 midnight, while the informant was on duty, the applicants' came to the cafe and insisted to enter in the cafe to celebrate their birthday. Since, the informant precluded them by stating that the time is over, all applicants abused him in filthy language, manhandled, gave threats and therefore, the report.

(5) It is brought to our notice that applicant No.1 – Salman has also lodged a report against the cafe owner stating a different version of the incident. The said matter is also fixed today

wherein also parties have settled the matter. The applicants and informant are acquainted with each other and to maintain the peace, the matter has been amicably settled with the intervention of local leaders.

(6) The informant has filed a reply-cum-affidavit stating that the matter has been amicably settled and he do not go on with the prosecution. It is informed that yet the charge-sheet has not been filed. We had a re-look at the entire occurrence, wherein the allegations are restricted to the extent of abuses in filthy language and threats. Though it has the effect of causing a breach of peace, however, the incident cannot be termed as heinous or anti-social. Since the matter is settled, there is every possibility that the informant may not support to the prosecution, if the applicants are put on trial. In the circumstances, continuation of the trial amounts to exercise in futility. In view of above facts, we are inclined to exercise our inherent jurisdiction.

(7) Learned counsel for the applicant made a statement that applicants will deposit the sum of Rs.25,000/- towards cost.

(8) In view of above, the application is allowed. We hereby quash and set aside the FIR in Crime No.598/2023 registered with Police Station Ambazari, Nagpur, for the offence under Sections 294, 323, 506 (2) read with Section 34 of the Indian Penal Code.

(9) The applicants shall deposit the cost amount to the High Court Bar Library, Nagpur, within two weeks from today.

(10) Stand over to **10.06.2024** for noting compliance.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity