



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

CRIMINAL APPLICATION (APL) NO. 598 OF 2024

1. Pritam s/o Ramu Yadav
aged about 32 years, Occ. Business,
R/o. Plot No.104/2/c, Pension Nagar Police
Line Takli, Near Shivhis Kirana Store,
Katol Road, Nagpur.

2. Vishal s/o Sevakram Notwani
Aged about 28 years, Occ. Business,
R/o. Plot No.408, Behind Sindhi Hindi
High School, Sindhi Colony, Khamla,
Nagpur

3. Sagar s/o Shivilal Yadav
Aged about 26 years, Occ.
R/o. Itwari Railway Station Road,
656 Bastarwadi Bharti Baba Akhada,
Itwari, Nagpur.

4. Ganesh s/o Suresh Lalwani
Aged about 30 years, Occ. Business,
R/o. Plot No.28, Sindhi Hindi School,
Sindhi Colony, Khamla, Nagpur.

} ... Applicants

Versus

1. State of Maharashtra,
Through Police Station Officer,
Police Station Ambazari,
District – Nagpur.

2. Salman Salam Sufi
Aged about 27 years, Occ. Business,
R/o. Salman Sufi, Sufi Building, Pinjari Lane,
Near Rajaram Library, Sitabuldi,
Nagpur

} ... Non-applicants

Mr. S.P. Bhandarkar, Advocate for applicants.

Mr. S.V. Narale, APP for non-applicant No.1.

Mr. Y.P. Bhelande, Advocate for non-applicant No.2.

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.599/2023 registered with Police Station Ambazari, Nagpur, for the offence under Sections 143, 147, 148, 149, 294, 506 (2), 323, 385, 387 of the Indian Penal Code and Sections 4, 25 of the Arms Act and Section 135 of the Bombay Police Act, on account of settlement.

(4) The informant who is a customer went to Cafe and restaurant namely Shosha Cafe along with his friends to celebrate birthday. It is his contention that the applicants' who are running cafe to allow them to enter at that time, they have been manhandled. It is stated that the applicants have also threatened them at the point of a sharp-edged weapon. Moreover, the applicants also tried to rob mobile and cash amounts, therefore, the report.

(5) The parties are residing in the same vicinity with the intervention of local leaders they have settled the dispute to maintain harmony. The informant is present, he has filed a reply stating that the matter has been amicably settled and he does not wish to go with the prosecution.

(6) 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.

(7) It is brought to our notice that the informant 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.

(8) 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.

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

(10) The application is allowed. We hereby quash and set aside the FIR in Crime No.599/2023 registered with Police Station Ambazari, Nagpur, for the offence under Sections 143, 147, 148, 149, 294, 506 (2), 323, 385, 387 of the Indian Penal Code and Sections 4, 25 of the Arms Act and Section 135 of the Bombay Police Act.

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

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

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity