



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

CRIMINAL APPLICATION NO.453 OF 2024

Gajendra s/o Balasaheb Deshmukh and ors.

..vs..

State of Maharashtra and anr.

AND

CRIMINAL APPLICATION NO.471 OF 2024

Sheikh Rajik Sheikh Yunus and ors.

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

(In APL. 453/2024)

Shri K.S Narwade, Advocate for the applicant.

Shri N. Joshi, Addl.P.P. for the State.

Shri Anurag Mankar, Advocate h/f Shri S.D Dharaskar,
Advocate for non-applicant no.2.

(in APL 471/2024)

Shri Anurag Mankar, Advocate h/f Shri S.D Dharaskar,
Advocate for the applicant.

Shri Bissa, Addl.P.P. for the State

Shri K.S Narwade, Advocate for non-applicant no.2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 04/04/2024.

Heard. ADMIT.

2. The matters are taken up for final disposal by consent of learned Counsel appearing for the parties.

3. Criminal Application No.453 of 2024 is seeking for quashing the charge-sheet (R.C.C. No.200/2023) arising out of crime bearing First Information Report No.673 of 2022 registered with the Mahagaon Police Station, District Yavatmal for the offence punishable under Sections 143, 147, 149, 294, 323, 504, 506 of the Indian Penal Code, on account of

mutual settlement.

4. Similarly, Criminal Application No.471 of 2024 is seeking for quashing of charge-sheet (S.T. No.16/2024) arising out of crime bearing First Information Report No.674 of 2022 registered with the Mahagaon Police Station, District Yavatmal for the offence punishable under Sections 395, 323, 452 and 506 read with Section 34 of the Indian Penal Code, on account of mutual settlement.

5. In Crime No.673/2022, the informant Shaikh Rajik Yunus alleged that applicants of Criminal Application No.453/2024 have accosted him on 07.11.2022 around 8.30 a.m., beat and abused him, therefore the report. In Crime No.674/2022, the informant Gajendra Deshmukh alleges that at the relevant time the applicants of Criminal Application No.471/2024 have entered in his house, caused damage to the property, snatched gold ornaments and also caused hurt, therefore the report.

6. On the basis of rival reports the Police have completed the investigation and filed the charge-sheets. It is informed that yet the Trial Court has not framed charges in either of the case. Both rival parties are the resident of same village and thus, with the aid and intervention of villagers, they have amicably settled the dispute to maintain peace and harmony in the vicinity. The informants of both FIR have filed their separate affidavit stating about the settlement and their no objection to quash the proceedings. Both informants are

present before the Court, who are identified by their respective Counsel. It is stated by them that by considering the long standing relationship, they have resolved their dispute and they do not wish to prosecute the respective cases. It reveals that in succession both crimes were registered out of same occurrence dated 07.11.2022. Each one has different story but by the time to maintain the harmony, they have settled the dispute. The alleged offences cannot be termed as heinous or antisocial.

7. Rather by quashing both the proceedings, the peace would be maintained in the village and thus, interest of justice would be secured. Since both the informants do not wish to prosecute the proceedings, continuation of prosecution amounts to abuse of the process of Court. Both learned Counsel have shown their willingness to deposit sum of Rs.10,000/- in each application towards the cost.

8. In the circumstance, we deem it appropriate to exercise our inherent jurisdiction, hence the following order :

- (a) Criminal Application No.453 of 2024 is allowed.
- (b) We hereby quash and set aside the charge-sheet (R.C.C. No.200/2023) arising out of Crime bearing First Information Report No.673 of 2022 registered with the Mahagaon Police Station, District Yavatmal for the offence punishable under Sections 143, 147, 149, 294, 323, 504, 506 of the Indian Penal Code.

- (c) The applicants shall deposit sum of Rs.10,000/- with the High Court Bar Association Library, Nagpur within two weeks from today.
 - (d) Criminal Application No.471 of 2024 is allowed.
 - (e) We hereby quash and set aside the charge-sheet (S.T.No.16/2024) arising out of Crime bearing First Information Report No.674 of 2022 registered with the Mahagaon Police Station, District Yavatmal for the offence punishable under Sections 395, 323, 452 and 506 read with Section 34 of the Indian Penal Code.
 - (f) The applicants shall deposit sum of Rs.10,000/- with the High Court Bar Association Library, Nagpur within two weeks from today.
9. Both application stand disposed of.
10. Matters be placed on 20.04.2024 for noting the compliance

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)