



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

CRIMINAL APPLICATION (APL) NO.629/2024

1. Smt. Majusha Laxmanrao Dhole,
aged 40 Yrs., Occ. Service,
R/o Sant Dyaneshwar Ward at
Post Hinganghat, Distt. Wardha
Currently at C/o Rajesh Kelekar,
Behind Central Bank, Chaprashipura,
Distt. Amravati.

2. Gaurav Rajendra Harpade,
aged 19 Yrs., Occu. Student,
R/o Sant Dyaneshwar Ward at
Post Hinganghat, Distt. Wardha
Currently at Sangvi Gaonthan,
Juni Sangvi, Dist. Pune.

... Applicants

- Versus -

1. State of Maharashtra,
through PSO Akola Distt.
Nagpur Railway.

2. Shital Romil Shah,
age 50 Yrs., Occ. Homemaker,
R/o Flat No.201, Aryan
Residency, Mukundnagar,
Distt. Pune.

... Non-applicants

Mr. P.V. Navlani, Advocate for the Applicants.
Ms. M.H. Deshmukh, A.P.P. for Non-applicant No.1/State.
Mr. Rajnish R. Vyas, Advocate for Non-applicant No.2.

CORAM: VINAY JOSHI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 6.8.2024.

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 F.I.R. in Crime No.0130/2024 registered by non-applicant No.1 for the offence punishable under Sections 294, 504 and 506 read with Section 34 of Indian Penal Code on account of settlement.

3. The incident, as stated by the informant, erupted out of fight between passengers during train journey. The informant lady alleges that on account of adjusting a seat the quarrel erupted in which the applicants have threatened and abused in filthy language. It is brought to our notice that counter cases have been filed against each other. Since the parties were unknown to each other and it was unintentional act they decided to settle the

dispute to avoid the agony of trial. In connected matter already the parties have settled the dispute and filed affidavit. The informant of this case has also filed additional affidavit stating that the matter has been settled and she has no objection to quash the proceedings. Learned Advocate Mr. Vyas appearing for informant claimed excuse from personal appearance of informant since the lady is resident of Pune. As cross cases have been settled by relying on the additional affidavit signed by informant and vouched by Mr. Vyas we accept the same.

4. It reveals that since a counter case was filed on the very day, to give a countercheck report has been lodged by informant Shital Shaha. The offence cannot be termed as heinous or antisocial. In view of settlement continuation of prosecution would amount to abuse of process of Court. Hence the following order:-

Application is allowed.

We hereby quash and set aside F.I.R. in Crime No.0130/2024 registered by non-applicant No.1 for the offence punishable under Sections 294, 504 and 506 read with Section 34 of Indian Penal Code.

MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)