



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

CRIMINAL APPLICATION (APL) NO.664/2024

1. Ashok S/o Raghunandan Lahriya,
aged 75 Yrs., Occ. Retired,
R/o Railway B Colony, Railway
Station, Old Akola, Distt. Akola.
(Org. Accused No.4)
 2. Kishor S/o Raghunandan Lahriya,
aged about 66 Yrs., Occ. Retired,
R/o Pradhikaran Nigdi, Chinchwad
Pune.
(Org. Accused No.5)
 3. Ajay @ Kailash S/o Raghunandan Lahriya,
aged about 62 Yrs., Occ. Retired,
R/o Plot No.63, Sham Nagar, Near
St. Paul School, Pipla Road,
Hudkeshwar, Nagpur.
(Org. Accused No.8)
- ... Applicants

- Versus -

1. State of Maharashtra,
through Police Station Officer,
Police Station Hudkeshwar,
Nagpur.
 2. Pratik S/o Durjendrakumar Sharma,
aged about 32 Yrs., Occ. Advocate,
R/o Plot No.32, Shri Narayani,
Indraprastha Layout, Near Bhende
Layout, Bhamti, Ring Road, Nagpur.
- ... Non-applicants

Mr. A.K. Bhangde, Counsel for the Applicants.
Mr. Nikhil Joshi, A.P.P. for Non-applicant No.1.
Mr. V.R. Deshpande, Counsel for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 7.5.2024.

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 of accused No.4 Ashok, accused No.5 Kishor and accused No.8 Ajay @ Kailash seeking to quash criminal prosecution namely R.C.C. No.615/2023 arising out of F.I.R. in Crime No.0502/2020 registered by non-applicant No.1 for the offence punishable under Sections 395, 323, 504 and 506 read with Section 34 of Indian Penal Code.

3. It is submitted that except reference in F.I.R. there is nothing more specific against the applicants. Moreover the informant has filed communication dated 7.12.2022 itself stating

that at the relevant time he was confused but later on released that these applicants along with two sons of applicant have not participated in the occurrence and, therefore, agreed to exclude their names. The informant has appeared toady in Court through Counsel and confirmed that he has filed such communication to the police and has no objection to quash the proceedings against these applicants. Affidavit to that effect has also been filed.

4. We have already considered the case of co-accused Dhanraj in Criminal Application (APL) No.720/2023. Having regard to the above circumstances, we had quashed the proceedings against Dhanraj as well as against accused Aniket. The material against the present applicants is similar one. Moreover the matter has been settled. In view of above continuation of prosecution against these applicants would amount to abuse of process of Court.

5. In the circumstances, the application is allowed.

We hereby quash and set aside the criminal prosecution namely R.C.C. No.615/2023 to the extent of applicant No.1 Ashok (accused No.4), applicant No.2 Kishor (accused No.5) and applicant No.3 Ajay @ Kailash (accused No.8) to the extent of offence relating to Crime No.0502/2020 registered by non-applicant No.1 for the offence punishable under Sections 395, 323, 504 and 506 read with Section 34 of Indian Penal Code.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)