



Judgment

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

CRIMINAL APPLICATION (APL) NO. 671/2024

1. Tulshiram Domaluji Sapate,
Aged about 75 yrs., Occ. Retired,
R/o. Plot No.A-3, Sharada Colony,
Bramhapuri, Tq. Bramhapuri,
Dist. Chandrapur.
2. Waman s/o Maroti Selokar,
Aged about 76 yrs., Occ. Retired,
R/o. New Waghala, Warda No.2,
Armori, Tq. Armori, Dist. Gadchiroli.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
P.S. Chimur, Tah. Chimur,
Dist. Chandrapur.
2. Govindrao Tulshiram Jivtode,
Aged about 58 yrs., Occ. Private,
R/o. Welcome Colony, Chimur,
Tah. Chimur, Dist. Chandrapur.

...**NON-APPLICANTS**

Mr. D.V. Mahajan, Advocate Applicant.
Mr. S. Bissa, APP for non-applicant No.1.
Mr. Shankar Borkute, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.**
DATE : 24.04.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash RCC No.41/2020 (Charge-sheet No.45/2020) pending on the file of the learned Judicial Magistrate First Class, Chimur, District Chandrapur arising out of crime No. 219/2019 registered with Police Station Chimur, District Chandrapur for the offence punishable under Sections 146, 452 and 506 of the Indian Penal Code on account of mutual settlement.

4. It is informant's case that on the date of occurrence, the applicants entered into his house and gave threats for withdrawal of earlier complaints and therefore, he has lodged report. The Police have carried out investigation and filed charge-sheet. Two other criminal cases filed by the informant's daughter are already pending against the applicants.

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5. Both the parties have settled the dispute with the aid and intervention of friends and relatives. The informant has filed affidavit stating about settlement and his no objection to quash the proceeding. The informant is present before us who has been identified by his Advocate Mr. Borkute. The informant gave his no objection before us to quash the proceeding.

6. Several criminal cases were pending between the parties which are amicably settled. The offence cannot be termed as heinous or anti-social, therefore we deem it appropriate to invoke our inherent powers. Since the trial has already been progressed, the applicants expressed their willingness to deposit sum of Rs. 10,000/- towards cost.

7. In view of above, application is allowed. We hereby quash and set aside criminal prosecution case namely RCC No.41/2020 (Charge-sheet No.45/2020) pending on the file of the learned Judicial Magistrate First Class, Chimur, District Chandrapur arising out of crime No. 219/2019 registered with Police Station Chimur, Tahsil Chimur, District Chandrapur for the offence punishable under Sections 146, 452 and 506 of the Indian

Penal Code on account of mutual settlement

8. Application stands disposed of in above terms.
9. The applicants shall deposit Rs. 10,000/- towards cost to the High Court Bar Association, Nagpur within two weeks from today.
10. Stand over to 08.05.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)