



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

CRIMINAL APPLICATION (APL) NO.804/2024

Montu S/o Mahendra Mahato,
aged about 36 Yrs., Occ. Private,
R/o Near Water Tank, H. No.1,
Lumbini Nagar, Jaripatka Road,
Jaripatka, Nagpur 440 014.

... Applicant

- Versus -

1. State of Maharashtra,
through Police Station Officer,
Police Station Jaripatka, Nagpur,
Tah. and Distt. Nagpur.
2. Suraj S/o Subhash Dhurve,
aged about 25, Occ. Private,
R/o C/o Abhay B. Khobragade Mat
Mohalla, Rama Kant Road,
Ansh Bakery, Indora, Nagpur,
Tah. and Distt. Nagpur.

... Non-applicants

Mr. Sanket S. Bhalerao, Counsel for the Applicant.
Mr. S.B. Bissa, A.P.P. for Non-applicant No.1.
Mr. Anirudh Ananthakrishnan, 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 seeking to quash chargesheet (R.C.C. No.3215/2017) arising out of Crime No.0325/2017 registered by non-applicant No.1 for the offence punishable under Sections 387, 324, 323, 427 and 506 read with Section 34 of Indian Penal Code and Section 135 of the Maharashtra Police Act.

3. It is informant's case that on 30.5.2017 at around 8.30 p.m. he along with his brother was running a cart for sale of food items. At relevant time applicant along with two others arrived there and demanded money for running a cart. At relevant time the applicant also assaulted by knife on the hand of the informant and, therefore, the report.

4. The police have carried out investigation and on completion of it filed the chargesheet. It is informed that yet the trial Court has not framed charge.

5. The matter has been amicably settled out of the Court. The informant has filed reply affidavit stating that the matter is settled and he does not want to prosecute further. The informant is present before us who is identified by his Advocate. The informant stated that all are residing in the same area and to maintain peace and harmony the matter is settled. The offence appears to be of personal nature which cannot be termed as heinous or antisocial. Since the informant does not wish to go on with the prosecution, continuation of trial would be abuse of the process of Court. The learned Counsel for the applicant has expressed willingness to deposit sum of Rs.10,000/- for rotating the police machinery.

6. In view of the above, the application is allowed.

We hereby quash and set aside the chargesheet (R.C.C. No.3215/2017) arising out of Crime No.0325/2017 registered by non-applicant No.1 for the offence punishable under Sections 387, 324, 323, 427 and 506 read with Section 34

of Indian Penal Code and Section 135 of the Maharashtra Police Act.

The applicant shall deposit costs of Rs.10,000/- within two weeks from today.

Stand over to 11.6.2024 for noting compliance.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)