



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

CRIMINAL APPLICATION [APL] No. 851/2024.

Shubham s/o Shyamnarayan Thakur,
Aged about 25, Occupation Private,
Resident of Plot No.26, Ganpati Nagar,
Godhani, Nagpur.

... APPLICANT.

VERSUS

1.State of Maharashtra,
through PSO, Police Station
Mankapur, District Nagpur.

2.Harsh Deepak Wankhede,
Aged about 20 years, Occupation – Private,
resident of Plot No. 41, Near Gayatri Nagar
Buddha Vihar, Mankapur, Nagpur.

3.Adil Khan Mehmood Khan,
Age 24 years, resident of Baba
Baghdadiya Nagar, Mankapur,
Nagpur.

... NON-APPLICANTS.

Mr. M.N. Ali, Advocate for the Applicant.
Ms M.S. Deshmukh, A.P.P. for Non-applicant No.1/State.
Ms G. Ansari, Advocate for Non-applicant Nos.2 and 3.

CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.

DATE : AUGUST 21, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.**

By consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the criminal prosecution bearing R.C.C. No.919/2023 pending on the file of 12th Joint Civil Judge, Junior Division and JMFC, Nagpur arising out of first information report bearing Crime No.171/2022 registered with Mankapur Police Station, Nagpur for the offence punishable under Sections 324, 323, 504 read with Section 34 of the Indian Penal Code, on account of settlement.

3. At the instance of a report lodged by the informant Harsh

Rgd.

dated 16.07.2022, the aforesaid crime came to be registered. It is his case that on the date of occurrence, the applicant Subham along with his friend Sagar picked up a quarrel in which both of them assaulted the informant, as well as informant's friend Adil. At the relevant time, the applicant dealt a knife blow on the stomach of Adil, and therefore, the report.

4. The police have investigated the matter and on completion filed charge sheet. We have gone through the injury certificate of Harsh, which shows that there was one laceration caused by hard and blunt object. The injury certificate of Adil discloses stab injury of simple nature caused at his stomach. By the time with the intervention of leaders of the locality, both of them have settled the dispute for maintaining cordial relationship. The informant Harsh as well as the injured Adil have filed reply stating about the settlement and no objection to quash the proceeding. They are identified by their Counsel Ms. Ansari. They have stated about settlement and their no objection to quash the proceeding as against the applicant.

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5. We have perused the entire police papers and in particular the injury certificates. Though a knife has been used, however, it was of small size by which a simple injury at the side of stomach has been caused. The police have invoked the provisions of Section 324 of the Indian Penal Code, meaning thereby the injuries were of simple nature. The parties are residing in the same locality. In order to maintain peace and harmony, they have settled the dispute. Having regard to above circumstances, continuation of prosecution would be an abuse of the process of Court, since the matter is settled and chances of conviction are very dim.

6. Since the informant and injured have made settlement with the applicant Shubham, we have enquired with them about the position as against the co-accused Sagar. On our query, the informant Harsh, as well as the injured Adil have expressed that they are not willing to settle the matter with co-accused Sagar, who is not before the Court.

7. The alleged offence cannot be termed as heinous or
Rgd.

antisocial. Having regard to the settlement between the parties and submissions, we proceed to pass the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The criminal prosecution bearing R.C.C. No.919/2023 pending on the file of 12th Joint Civil Judge, Junior Division and JMFC, Nagpur arising out of first information report bearing Crime No.171/2022 registered with Mankapur Police Station, Nagpur for the offence punishable under Sections 324, 323, 504 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside so far as the applicant Shubham Shyamnarayan Thakur is concerned.

JUDGE

JUDGE