



Judgment

943 apl 766.23

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

**CRIMINAL APPLICATION (APL) NO. 766/2023**

1. Jagdish Mahadeorao Limje,  
aged about 52 yrs., Occ. Business,
2. Dipak Mahadeorao Limje,  
Aged about 46 yrs., Occ. Business,  
  
Both R/o. House No.24, Jagdish  
Saoji Bhojnalaya, near Shukrawari  
Talao, Subhash Road, Nagpur.
3. Bhagwat Rajeramji Kature,  
aged about 58 yrs., Occ. Labour,  
R/o. Nalsahab Chowk, Lal Patthar,  
near Masjid, Nagpur.
4. Kisankumar Shamaluprasad Nagvanshi,  
aged about 45 yrs., Occ. Labour,  
R/o. Jagdish Saoji Bhojnalaya, near  
Shukrawari Talao, Nagpur  
permanent R/o. Satnavari, Bazargaon,  
Tah. Kalmeshwar, Dist. Nagpur.
5. Chandan s/o Jalamaji Das,  
aged about 40 yrs., Occ. Labour,  
R/o. C/o. Nandu Fulmare's House,  
behind Jagdish Saoji Bhojnalaya,  
near Shukrawari Talao, Nagpur.
6. Tirith Ram Patel,  
aged about 44 yrs., Occ. Labour,  
R/o. Jagdish Saoji Bhojnalaya, near  
Shukrawari Talao, Nagpur,  
permanent R/o. Mohadi, P.S. Gharsmiha,  
Dist. Raipur (Chattisgarh).

7. Sanjay Deoraoji Khapre,  
aged about 52 yrs., Occ. Labour,  
R/o. Plot No.54, Dhyaneshwar  
Society, Amar Nagar, Manewada,  
Nagpur.

... APPLICANTS

VERSUS

1. The State of Maharashtra,  
through Police Station Officer,  
Police Station Ganeshpeth, Nagpur,  
Dist. Nagpur.
2. Pradip s/o Ramesh Jeswani,  
aged about 43 yrs., Occ. Business,  
R/o. House No.591/E, Byramji Town,  
Sadar, Nagpur.

...NON-APPLICANTS

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Mr. B.M. Lonare, with Mr. L. Tirpude, Advocates for applicants.  
Mr. A. Joshi, APP for non-applicant No.1.  
Mr. S. Bhattad, Advocate for non-applicant No.2.  
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CORAM : VINAY JOSHI AND  
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 30.08.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report

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("FIR") vide Crime No. 174/2023 registered with Police Station Ganeshpeth, Nagpur for the offence punishable under Sections 143, 147, 149, 323, 504, 506 of the Indian Penal Code on account of settlement. It is informed that yet charge-sheet has not been filed.

4. It is the prosecution case that informant in the capacity of customer went to eating house. At the instance of occupying the table by more customer which the informant has already occupied, there has been a dispute in which the accused who are running hotel business have assaulted the informant, gave abused and threats, therefore the report.

5. The informant has filed an affidavit stating that the matter is amicably settled out of the Court and he did not wish to prosecute. Apparently it was scuffle between unknown person and thus, there was no element of prior enmity. In order to maintain cordial relation, both parties have settled the dispute. Since the applicants have already apologized the informant, he has pardoned them and settled the matter out of the Court. The offence cannot be termed as heinous or anti-social. In the circumstances, we are inclined to exercise our inherent powers.

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6. The learned counsel appearing for applicants would submit that the applicant would deposit sum of Rs. 35,000/- towards rotated Police Machinery.

7. In view of above, application is allowed. We hereby quash and set aside FIR vide Crime No. 174/2023 registered with Police Station Ganeshpeth, Nagpur for the offence punishable under Sections 143, 147, 149, 323, 504, 506 of the Indian Penal Code on account of settlement.

8. The applicants shall deposit sum of Rs. 35,000/- as cost with the High Court Bar Association, Nagpur within a period of one week from today.

9. The applicants shall not indulged into similar activities in future.

10. Stand over to 09.09.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)