



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

CRIMINAL APPLICATION (APL) NO.934/2024

Pruthviraj S/o Nilkanth Ramteke,
aged about 47, Occ. Homemaker,
R/o Plot No.19, Shrikrushna Nagar,
Behind D-Mart, Nandanwan, Nagpur.
(presently at Central Prison, Nagpur)

... Applicant

- Versus -

1. The State of Maharashtra,
through P.S.O. P.S. Nandanwan,
Nagpur.

2. Sau. Harsha W/o Pruthviraj Ramteke,
aged about 47, Occ. Homemaker,
R/o Plot No.19, Shrikrushna Nagar,
Behind D-Mart, Nandanwan.

... Non-applicants

Mr. A. S. Band, Advocate for the applicant.
Mr. M.K. Pathan, A.P.P. for non-applicant No.1.
Mr. Amit Balpande, Advocate for non-applicant No.2.

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 24.7.2024.

ORAL JUDGMENT (Per Smt. Vibha Kankanwadi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the F.I.R. vide Crime No.0252/2024 filed by non-applicant No.2 against applicant with Nandanwan Police Station, Nagpur for offence punishable under Sections 323 and 326 of Indian Penal Code.

3. After the notice was issued to non-applicant No.2 she appeared and it was submitted that there is compromise between them. Affidavit has been filed by non-applicant No.2 to that effect. It has been stated that incident in question was an accident and was outcome of a sudden provocation. Now non-applicant No.2 does not want to proceed with the F.I.R. The parties were directed to appear before the Registrar (J.) by order dated 9.7.2024 who has verified the identity of non-applicant No.2. Applicant is in jail at present.

4. Taking into consideration the offence is registered under Section 326 of Indian Penal Code, we have gone through

the medical report of non-applicant No.2. The history was given as “assault with stab injury on abdomen with multiple abrasions over chest”. In all 3 injuries have been noted. One is stab injury 3cm x 1cm x muscle deep. It was stated to be fresh. Type of weapon is stated to be sharp and pointed but the nature of the injury is stated to be simple in nature. The remark shows that CECT of abdomen and the pelvis was done and it revealed no peritoneal breach, no bleeding was present in abdominal cavity. The next injury is multiple abrasions over right side of chest which are varying 3cm x 0.5cm to 2cm x 0.5cm. It is stated to have with hard and blunt object, simple in nature and the x-ray of the chest revealed no bony injury. The third injury is of abrasion over right cheek of 0.5cm. X 0.5cm. It was with hard and blunt object. Both the last two injuries were simple in nature. Therefore, it can be even considered at this stage also that the ingredients of Section 326 of I.P.C. will not be attracted. The weapon that was seized was a knife having blade of 12 cm and handle of 10 cm. and, therefore, taking into consideration the said

weapon at the most it can be said that the offence that would be revealed will be under Section 324 of I.P.C.

5. Police papers also reveal that the applicant had also suffered injuries.

6. Now the parties have settled the matter out of Court and non-applicant No.2 is not willing to go ahead with the F.I.R. Taking into consideration the fact that it arose due to matrimonial dispute and the applicant and non-applicant No.2 appear to be willing to continue their marital life, case is made out for exercising our powers under Section 482 Code of Criminal Procedure.

7. However, taking into consideration the fact that the entire machinery has been used while granting the relief we propose to impose costs. We are also taking note of the fact that the applicant is in jail at present.

8. Application therefore stands allowed and disposed of in the following terms.

(i) The F.I.R. vide Crime No.0252/2024 of Nandanwan Police Station, Nagpur for the offence punishable under Sections 323 and 326 of I.P.C. stands quashed and set aside.

(ii) Applicant to deposit costs of Rs.25,000/- (Twenty Five Thousand) with High Court Legal Services Authority Sub-Committee, Nagpur within a period of one month from today.

(iii) In view of the quashment of the F.I.R., the applicant be released forthwith, if not required in any other case.

(MRS.VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI,J.)