



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

CRIMINAL APPLICATION (APL) NO.937/2024

1. Samrat Ashok Shah (wrongly mentioned as Samrat Shah Sagar Shah in first information report), age 34, Medical Practitioner, R/o 404, Kumar Shridhar Society, Opposite Fashion Factory, Mukund Nagar, Pune 411 037.
2. Sagar Ashok Shah, age 36, Occ. Dentist, R/o 404, Kumar Shridhar Society, Opposite Fashion Factory, Mukund Nagar, Pune 411 037.
3. Prashant Ramesh Shah, age 56, Occ. Private, R/o D 503, DSK Chandradeep Society, Mukund Nagar, Pune 411 037. ... Applicants

- Versus -

1. State of Maharashtra, through Police Station Officer, Police Station Akola, Distt. Nagpur (Railway).
2. Manjusha Laxmanrao Dhole (Dhake), age 38, Occ. Assistant Police Inspector, R/o Sant Dnyaneshwar Ward at Post Hinganghat, Distt. Wardha presently Resident C/o Rajesh Kelekar, behind Central Bank, Chaprashipura, Distt. Amravati. ... Non-applicants

Mr. R. R. Vyas, Advocate for the Applicants.
Ms. M.H. Deshmukh, A.P.P. for Non-applicant No.1/State.
Mr. P.V. Navlani, Advocate for Non-applicant No.2.

CORAM: VINAY JOSHI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 6.8.2024.

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 F.I.R. in Crime No.0127/2024 registered by non-applicant No.1 for the offence punishable under Sections 143, 294, 504 and 506 of Indian Penal Code on account of settlement.

3. The incident, in short, is that on 24.3.2023 while the informant lady was travelling with her brother by train there was oral altercation in the passengers i.e. in between informant and applicant along with her companions. On the basis of said

occurrence informant has lodged report with Police Station Bhusawal Railway which was transferred to Nagpur Railway Police Station.

4. It is informed that on the basis of same occurrence counter F.I.R. No.0130/2024 was also lodged by Shital Shaha in which applicant and her brothers are accused. Since the occurrence was in between unknown passengers obviously there was no intention and as the cross cases are filed wisdom prevailed on both sides to settle the matter. Having regard to the nature of occurrence we see no difficulty in accepting the settlement for quashing. Informant Manjusha is present before us who is identified by her Advocate. She stated that since the applicants and their companions apologized she do not wish to prosecute further.

5. It reveals that the incident arose abruptly in between co-passengers. The offence cannot be termed as grave or antisocial. Now the matter is settled. Thus, the continuation of prosecution would amount to abuse of process of law.

6. Learned Advocate Mr. Vyas would submit that the applicants would deposit costs of Rs.25,000/- for rotating the police machinery.

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

We hereby quash and set aside F.I.R. in Crime No.0127/2024 registered by non-applicant No.1 for the offence punishable under Sections 143, 294, 504 and 506 of Indian Penal Code.

The applicants shall deposit costs of Rs.25,000/- with High Court Bar Association, Nagpur within one week from today.

Stand over to 19.8.2024 for noting compliance.

MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)