



Judgment

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

CRIMINAL APPLICATION (APL) NO. 936/2024

Manpreet Singh s/o Sarabjeet Singh
Jolly, aged about 33 yrs., Occ. Business,
R/o. Opposite Dr. Mukharjee House,
Kadbi Chowk, Bezonbagh,
Nagpur – 440004 (Presently in Central
Jail Nagpur).

... **APPLICANT**

VERSUS

1. The State of Maharashtra,
through P.S.O., Police Station,
Panchpaoli, Dist. Nagpur.
2. Mr. Prashant s/o. Ganesh Gajbhiye,
aged about 26 yrs., R/o. Manav Nagar,
Teka Naka Nari Road, Plot No.365,
Kapil Nagar, Nagpur.
3. Mr. Swapnil s/o. Shivraj Neware,
Aged about 29 yrs., Occ. Business,
R/o. Pritam Apartment, Tekka Naka,
Nagpur.

... **NON-APPLICANTS**

Mr. S. Dewani, Advocate for applicant
Mr. N. Joshi, APP for non-applicant No.1.
Mr. G.L. Agrawal, Advocate for non-applicant Nos. 2 & 3.

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

DATE : 13.08.2024.

ORAL JUDGMENT (PER: VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ("FIR") vide Crime No. 442/2024 registered with Police Station Panchpaoli, Nagpur for the offence punishable under Sections 326, 504 of the Indian Penal Code on account of settlement.

4. It is informant's case that on 09.05.2024 around at 10.00 p.m he along with his friend Swapnil (injured) went to the liquor shop run by the applicant. After consuming liquor, they were chit-chatting very loudly, on which accused who is owner of liquor shop came with baseball stick and assaulted both of them. Particularly accused hit baseball stick on the right hand of Swapnil and dealt blow at left leg of the informant causing sever injury therefore, the report.

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5. On the basis of the report, the Police have carried investigation which is at the verge of completion. In the meantime, the parties have settled the differences out of the Court and entered into compromise. Informant and injured have filed affidavit stating that considering the abrupt occurrence to maintain cordial relations, they have decided to settle the matter and accordingly they do not wish to go with the prosecution.

6. The contents of reply-cum-affidavit have been verified before this court. We have examined the Police Papers with special reference to the injury reports. It reveals that the informant Prashant has sustained simple injuries whilst injured Swapnil sustained a fracture at his right hand. It reveals that neither the sharp edged weapon was used nor assault was on the vital part of the body.

7. The parties are knowing to each other and out of minor ruckus, the incident occurred. By the time, with the intervention of relatives and friends, the dispute is settled, looking to all aspects, continuation of prosecution would not yield any result. In view of

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that, continuation of prosecution amounts to abuse of the process of the Court. Since the Police have carried out investigation, the applicant has shown his willingness to deposit Rs. 25,000/- towards costs.

8. In view of above, application is allowed. We hereby quash and set aside FIR vide Crime No. 442/2024 registered with Police Station Panchpaoli, Nagpur for the offence punishable under Sections 326, 504 of the Indian Penal Code on account of settlement.

9. The applicant shall deposit cost of Rs. 25,000/- with the High Court Bar Association, Nagpur within two weeks from today.

10. Stand over to 27.08.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)