



Judgment

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

CRIMINAL APPLICATION [APL] No. 1266/2024.

1.Sandip s/o Sagar Yadav,
Aged about 38 years, Occupation
Service, resident of CMPDI Road,
Old Jaripatka, Nagpur.

2.Pankaj s/o Kailash Yadav,
Aged about 35 years, Occupation
Service, resident of Plot No.5,
Dwarka Nagar, Old Kalmna Road,
Nagpur.

... APPLICANTS.

VERSUS

1.State of Maharashtra,
through Police Station Officer,
P.S. Wathoda, Nagpur.

2.Kavya s/o Avinash Model,
Aged about 19 years, Occupation
Student, resident of Flat No.503,
Godrej Anandam Apartment,
Ganeshpeth, Nagpur.

... NON-APPLICANTS.

Mr. R.M. Daga, Advocate for Applicants.
Mr. N. Joshi, A.P.P. for Non-applicant No.1.
Mr. R. Kale, Advocate for Non-applicant No.2.

Rgd.

CORAM : VINAY JOSHI AND
ABHAY J. MANTRI, JJ.

DATE : OCTOBER 24, 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 first information report bearing Crime No.214/2024 registered with Wathoda Police Station, Nagpur for the offence punishable under Sections 170, 420 read with Section 34 of the Indian Penal Code. It is informed that during the pendency of the proceedings, offence punishable under Sections 392 and 364-A of the Code has also been added. Quashing is sought on account of settlement.

3. At the instance of report lodged by the informant, aged

about 19 years, the aforesaid crime has been registered. It is the prosecution case that on 13.04.2024, around 8 p.m. the informant along with his girlfriend went for outing. In order to have privacy they choose to go to some secluded place at Jabalpur-Hyderabad Highway. While the couple was chit-chatting, at that time both applicants arrived, accosted them and started to give threats. Both have disclosed that they are police personnel and objected the couple as to why they had been at such distant place. They also threatened the couple to involve them in false case under Protection of Children from Sexual Offences Act, as the girl was minor. Both applicants caused them to come at side, raised monetary demand of Rs. 2 lakhs. They have also took gold chain worth Rs.1.80 lakhs, and then left the place.

4. On the basis of said occurrence the report has been lodged. The police commenced investigation, but, charge sheet has not been filed. It reveals that though the provisions of Section 364-A of the Code have been invoked, we see no material to constitute the offence of kidnapping for ransom. Apart from that the matter has been settled

Rgd.

between the parties. The informant young boy has filed affidavit stating about the settlement. He has stated in the reply that the gold chain has been returned by the accused. The informant boy is taking education in a reputed college and desires to concentrate on his studies. He has stated that he is not inclined to indulge into legal process as it would disturb his mental peace.

5. The informant is personally present before us and is identified by his Advocate. On query, he reiterated the stand taken in the reply. At relevant time the informant was accompanied by his girlfriend, who was at the verge of majority at the relevant time. The father of said girl namely Pawan has appeared suo moto and filed affidavit stating that he also do not wish to go on with the prosecution. Rather he urged to quash the proceeding as his daughter is scared about the pendency of the proceedings, which would have impact on her mental balance.

6. We had taken note of the entire episode. Applicants / police personnel acted in contravention of their duties, as they

themselves gave threat to young couple and by putting them under pressure, tried to snatch the valuables. The learned A.P.P. upon instructions has submitted that higher police authorities have already initiated departmental enquiry against applicants and now they are put under suspension. Though the offence is of a kind by which a common man would lose faith in police. However, the same has been settled, particularly the young boy and a girl [at the age of majority] are not inclined to continue with the prosecution, for the reason that pendency of the same would disturb their future as well as mental peace. Considering the said aspect and their desire, we are inclined to exercise our inherent powers.

7. At this stage, the learned Counsel for applicants submits that applicants would deposit an amount of Rs.1 lakh towards costs for rotating police machinery.

8. In view of above, Criminal Application is allowed and disposed of. The first information report bearing Crime No.214/2024 registered with Wathoda Police Station, Nagpur for the offence

punishable under Sections 170, 420 (along with added Sections 392 and 364-A) read with Section 34 of the Indian Penal Code is hereby quashed and set aside.

Applicants to deposit an amount of Rs.1 lakh with the High Court Bar Library, Nagpur by 11.11.2024. The matter be listed for reporting compliance on 12.11.2024.

9. We make it abundant clear that quashing of this prosecution will have no impact on the pending departmental proceedings initiated against applicants by the department.

JUDGE

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