



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

CRIMINAL APPLICATION NO.1293 OF 2024

Shri Vaibhav Makhanlal Heda

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Jaltare, Advocate for the applicant.
Mrs. Deshmukh, Addl.P.P. for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 03/10/2024.

Heard.

2. This is an application seeking to quash the criminal prosecution namely S.C.C. No.15405 of 2019 arising out of First Information Report No.77 of 2019 registered with the Sonegaon Police Station, Nagpur City for the offence punishable under Sections 294 and 506 of the Indian Penal Code, on account of settlement.

3. It is informed that though the Trial Court has recorded examination-in-chief of two witnesses, however there is no further progress. Precisely, it is the prosecution case, that the informant and the applicant are residing in the same Apartment. On the date of occurrence, there was a dispute on account of falling of waste material from upper floor on the person of the informant's father. The informant questioned to the applicant on which he abused her in filthy language and gave threats, therefore the report.

4. After completion of investigation, the Police

have filed the charge-sheet. Though the partial evidence is recorded however in the meantime, with the aid and intervention of neighborer, the parties have amicably settled the dispute. The informant has filed a reply stating that as they are residing in the same tenement, to maintain cordial relations she do no wish to go on with the prosecution. The informant is present before the Court accompanied by her father Santosh. The informant is identified by Advocate Shri A.M. Jaltare, appearing for the applicant. We have assured from the informant about the correctness of the affidavit on which she stated that the contents are correct and the prosecution may be quashed.

5. Learned Counsel for the applicant would submit that the applicant would deposit sum of Rs.20,000/- towards the costs as the Police as well as Court machinery has been rotated. At the outset, it is noted that it was a quarrel between two neighbors at the instance of some minor dispute, in which the applicant got annoyed and abused to the lady.

6. The offence cannot be termed as heinous or anti-social. Particularly, both are residing in the same Apartment and thus, settlement would further to maintain cordial relations. In view of the above, we are inclined to exercise our inherent powers by passing the following orders :

(a) The Criminal Application is allowed.

(b) We hereby quash and set aside the criminal prosecution namely S.C.C. No.15405 of 2019 arising out of First Information Report No.77 of 2019 registered with the Sonegaon Police Station, Nagpur City for the offence punishable under Sections 294 and 506 of the Indian Penal Code.

(c) The applicant shall deposit sum of Rs.20,000/- with the High Court Bar Association, Nagpur within two weeks from today.

7. Place the matter on 18.10.2024 for noting the compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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