



Judgment

34 apl 1339.24

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

CRIMINAL APPLICATION (APL) NO. 1339/2024

1. Pramod @ Chhotu Chandrikaprasad
Mishra, aged about 51 yrs., Occ. Private,
R/o. Plot No.27, Ingole Layout, Mankapur,
Nagpur (**accused No.1**).
2. Himanshu Subhash Pande,
Aged 28 yrs., Occ. Private,
R/o. near Shiv Mandir, Ingole
Layout, Ganga Nagar Zhopadpatti,
Nagpur (**accused No.2**)

... APPLICANTS

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
Police Station Mankapur, Nagpur.
2. Soni Prakash Kohle,
Aged 45 yrs., Occ. Housewife,
R/o. Plot No.50, Ingole Layout,
Mankapur, Nagpur.
(**First Informant/Complainant/Victim**)
3. Sandhya Rajesh Kohle,
Aged 42 yrs., Occ. Housewife,
R/o. Plot No.50, Ingole Layout,
Makapur, Nagpur. (**victim**)

...NON-APPLICANTS

Mr. J.S. Chilotra, Advocate for applicants.
Mr. A. Badar, APP for non-applicant No.1.
Mr. D.M. Dixit, non-applicant No.2 & 3.

**CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.**
DATE : 25.09.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.):

Heard.

2. **Admit.**

3. This is an application seeking to quash prosecution vide RCC No. 49/2018 arising out of Crime No. 226/2017 registered with Police Station Mankapur, Nagpur for the offence punishable Sections 448, 354, 294, 506 read with Section 34 of the Indian Penal Code on account of mutual settlement.

4. It is informed that the evidence of informant and another victim were recorded, however there is no further prosecution in trial.

5. Non-applicant No.2 i.e. informant lady lodged report on 27.10.2017, on the basis of which crime was registered, investigation was carried out and charge-sheet has been filed. It is informant's contention that on 19.10.2017 on the eve of Diwali Festival, children were bursting

3

fire-crackers around 08.30 p.m., in front of the house. The informant and her sister-in-law Sandhya (non-applicant No.3) came out of the house. At that time applicant No.2 Himanshu came in high speed by driving his auto rickshaw to which informant asked to drive vehicle in moderate speed. Himanshu got angry and called applicant No.1 Pramod from his house. Both of them threatened the informant and outraged modesty by pulling the garments, hence the offence.

6. The parties are neighborhood of each other. They settled the dispute out of the Court. It is brought to our notice that for the same occurrence, rival report has been lodged by Geeta Pande who is mother of applicant No.2 Himanshu. In the said connected report, the parties have settled the dispute. Today, the informant as well as victim are present before us who have been identified by their counsel Mr. D.M. Dixit. They have filed reply-affidavit stating about the settlement and their no objection to quash the prosecution. It reveals that trivial dispute arose between the neighborhood. In order to maintain peace and harmony in the society, the parties have settled the dispute. The offence cannot be termed as heinous and anti-social and thus, continuation of prosecution would be abuse of the process of the Court.

4

7. The learned counsel for applicants expressed to deposit cost of Rs. 10,000/- for rotating Police Machinery.

8. In view of above, application is allowed. We hereby quash and set aside prosecution vide RCC No. 49/2018 arising out of Crime No. 226/2017 registered with Police Station Mankapur, Nagpur for the offence punishable Sections 448, 354, 294, 506 read with Section 34 of the Indian Penal Code on account of mutual settlement.

9. The applicant shall deposit sum of Rs. 10,000/- within a period of two weeks from today with the High Court Bar Association, Nagpur.

10. Stand over to 09.10.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)