



Judgment

5 apl 1437.23

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

CRIMINAL APPLICATION (APL) NO. 1437/2023

Mahesh s/o Khushal Kuthe,
aged about 45 yrs., Occ. Forest Guard,
Government, R/o. Plot No.47, near S.P.
Public School, Umred Road, Bahadura,
Nagpur 440034 [M.S.],
Office: Kuhi Wildlife Range,
Nagpur 441204.

... **APPLICANT.**

VERSUS

1. State of Maharashtra, through
(P.S. Weltur). Tah. Kuhi,
Dist. Nagpur.
2. Rajendra s/o. Shrawan Gharde,
Age 48 yrs., Occ. Labour,
R/o. Dahegaon, Tah: Kuhi,
Weltur, Nagpur Gramin
Maharashtra.
(Complainant)

... **NON-APPLICANTS**

Mr. S.B. Raut, Advocate with Mr. R. Wasekar, Advocate for applicant.
Mr. S.V. Narale, APP for non-applicant No.1/State.
Mr. G.P. Bhagwatkar, Advocate for non-applicant No.2.

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

DATE : 22.03.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash charge-sheet arising out of Crime No. 148/2023 registered with Police Station Weltur, Nagpur Gramin for the offence punishable under Section 323 of the Indian Penal Code on account of settlement.

4. The informant was a Shepherd boy. On 28.08.2023, around 11.00 a.m., he was grazing she-goats in pasture with one Ganesh. It is informant's case that the applicant who is Forest Guard, arrived, snatched his stick and beat both of them causing injuries of serious nature. The Police have registered offence punishable under Section 323 of the Indian Penal Code, however after investigation, charge-sheet has been filed for the offence punishable under Section 324 of the Indian Penal Code.

5. In the meantime, the matter has been amicably settled. The accused has been transferred somewhere else and to maintain

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cordial relation, both victims have settled the dispute. The informant has filed an affidavit stating about the settlement and his no objection to quash the proceeding. Injured Ganesh has also filed his affidavit stating about no objection to quash the proceeding. They have accepted that they have received Rs. 10,000/- each towards medical expenses.

6. Both informant and injured Ganesh are present before us who are identified by their counsel Mr. Bhagwatkar. Both of them have stated that the injury was not serious. On the following day, they were discharged. They stated that with the intervention of villagers, the matter is settled. They do not wish to prosecute further. The offence is of mere assault by stick. The parties have already settled the dispute. The nature of offence cannot be termed as an antisocial. Continuation of prosecution would be exercise of futility.

7. In view of above, application is allowed. We hereby quash and set aside charge-sheet arising out of Crime No. 148/2023 registered with Weltur, Nagpur Gramin for the offence punishable

under Sections 323, 324 of the Indian Penal Code on account of settlement.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)