



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

CRIMINAL APPLICATION (APL) NO.1558 OF 2024

- 1) Shaikh Wasim @ Amir s/o Shaikh
Rahim, Aged about 33 years, Occupation
- Railway Canteen.
- 2) Shaikh Abrar s/o Shaikh Nazir,
Aged about 37 years, Occupation -
Railway Canteen.

Both R/o. Cyclepura, Behind Jama
Masjid, Ward No.16, Nandura, Tah.
Nandura, District - Buldhana.

.... Applicant(s)

// VERSUS //

- 1) State of Maharashtra
Through its Police Station Officer
Govt. Railway Police, Badnera, Tah. and
District - Amravati.
- 2) Abdul Naim Abdul Karim,
Aged about 52 years, Occupation -
Railway Canteen, R/o. Almas Nagar, Old
Town Badnera, Tah, and District -
Amravati.
- 3) Mohd. Fazil Abdul Lateef, Aged about 28
years, Occupation - Labour, R/o. Shivaji
Cicle, New Town Badnera, Tah. and
District - Amravati.

(Complainant)

(Injured)

.... Non-applicant(s)

Mr. P.V. Navlani, Advocate for the Petitioner/s
Mr. Anup Badar, APP. for the non-applicant No.1/State
Mr. V. Singh Uberoi, Advocate for the non-applicant Nos.2 and 3

CORAM: VINAY JOSHI AND ABHAY J. MANTRI, JJ.
DATED : 22/10/2024.

ORAL JUDGMENT : (PER : VINAY JOSHI, J)

1. Heard.
2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the learned counsel for the parties.
3. By this application, the applicants are seeking to quash criminal proceeding i.e. Regular Criminal Case No.368/2022, arising out of the First Information Report vide Crime No.146/2021 registered with Govt. Railway Police Station, Badnera, District Amravati for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code, on account of settlement.
4. It is informant's case that he is running a food canteen at railway platform Badnera. On the date of occurrence, the co-accused Sayyad Sohail assaulted the informant's nephew by means of blade, causing him a bleeding injury, therefore, the report.

Correction
carried out as
per Court's
order
dt.12.11.2024

5. The informant, in his statement, stated the similar story with addition that it was learnt that at the behest of the applicants, the assailant did the things. On the basis of the said information, crime was also registered against the applicants along with the actual assailant Sayyad Sohail. The investigation is completed and the charge-sheet has been filed.

6. Both the applicants as well as the informant are running similar food stall at different railway stations and having cordial relations. With aid and intervention of elderly, dispute has been settled to the extent of the present applicants. Both the informant and injured realized that real culprit is the co-accused Sayyad Sohail and thus, they did not wish to prosecute against the present applicants. Both have appeared before us through the Advocate, who have identified them. They have filed reply-cum-affidavits stating that the matter is settled and out of misunderstanding, the applicants have also been involved in the crime. They made a categorical statement that they did not wish to go with the prosecution against the present applicants, who are the accused Nos.2 and 3.

7. Reading of the police papers discloses that admittedly the applicants were not present on the spot. There is no reference about the applicants in the First Information Report. Besides that the matter is settled between the parties. In the circumstances, continuation of prosecution against the applicants would be abuse of process of Court. Accordingly, we pass the following order:

- (i) The application is **allowed**.
- (ii) We hereby quash and set the Regular Criminal Case No.368/2022, arising out of the First Information Report vide Crime No.146/2021 registered with Govt. Railway Police Station, Badnera, District Amravati for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code, against the applicant No.1-Shaikh Wasim @ Amir s/o Shaikh Rahim (accused No.2) and applicant No.2-Shaikh Abrar s/o Shaikh Nazir (accused No.3).

8. Needless to say that the prosecution shall be continued against the accused No.1 Sayyad Sohail.

Rule stands absolute in the above terms. No costs

[ABHAY J. MANTRI, J]

[VINAY JOSHI, J]

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