



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

CRIMINAL APPLICATION (APL) NO.1689/2023

1. Khomesh s/o Niranjansingh Hirapure,
aged 30 years, Occ. Agriculturist,
2. Pinku s/o Niranjansingh Hirapure,
aged 33 years, Occ. Private.
3. Rahul s/o Niranjansingh Hirapure,
aged 24 years, Occ. Service.

All 1 to 3 r/o Bora, Taluka Tiroda,
District Gondia.

.....APPLICANTS

...V E R S U S...

1. The State of Maharashtra,
through its Police Station Officer,
Police Station, Gangazari,
Taluka Tirora, District Gondia.
2. Mr. Krishna s/o Haribhau Selokar,
aged 26 years, Occ. R/o Village Bora,
Tq. Tiroda, District Gondia.

...NON APPLICANTS

Mr. R. R. Vyas, Advocate for applicants.
Mr. A. Badar, A.P.P. for non applicant no.1-State.
Mr. V. Vishwarupe, Advocate for non applicant no.2.

CORAM:- VINAY JOSHI & ANIL L. PANSARE, JJ.

DATED :- 10.01.2024

ORAL JUDGMENT (Per: Vinay Joshi, J.)

Heard. **Admit.**

2. The matter is taken up for final disposal by consent of
learned counsel appearing for the parties.

3. This is an application seeking to quash the First Information Report in Crime No.0271 of 2023 registered with Gangazari Police Station, District Gondia for the offence punishable under Sections 324, 504 read with Section 34 of the Indian Penal Code, 1860, on account of mutual settlement. It is informed that the police have added Section 326 of the IPC on receipt of the X-ray reports, demonstrating fracture in fibula.

4. It is the informant's case that the applicants are residing in the same vicinity. On 30.07.2023 around 09:00 a.m., while the informant was proceeding, the applicant no.1 Khomesh abused him by picking up a quarrel. Within a short time, all the applicants went to his house and they have beaten him on his hand and legs by means of wooden rod, causing serious injury. On the basis of the allegations levelled by the informant, the police have registered crime and commenced the investigation.

5. In the meantime, with the aid and intervention of the villagers, the matter has been amicably settled. The informant has filed an affidavit stating that both sides are having long standing cordial relations. In order to maintain harmony, the informant has decided not to go on with the prosecution. The informant has

appeared in the Court and stated that the matter is settled and he does not wish to prosecute.

6. We have examined contents of the FIR as well as the investigation papers including the injury certificate and X-ray report. It is apparent that all the injuries were caused on the hand and leg of the informant, meaning thereby not on the vital parts of the body. The parties are residents of the same village. Since the informant is not interested in going on with the prosecution, there is every likelihood that he may not support the prosecution case in trial. In order to further the cordial relations, to maintain harmony in the vicinity and to secure the ends of justice, quashing of the proceeding would be justifiable.

7. We have brought to the notice of the applicants that at their instance, everything has happened, resulting into registration of the crime, carrying on the investigation, medical examination and rest of the things. At this stage, Mr. Vyas, learned counsel appearing for the applicants, submits that the applicants would deposit a sum of Rs.50,000/- within one week towards costs.

8. We have taken overall view of the matter. The offence cannot be termed as heinous or anti social. It has occurred due to a

private dispute. No injuries were caused on the vital parts of the body. Having regard to this, we deem it fit to exercise our inherent powers in favour of the applicants.

9. In view of the above, following order :

(a) The Application is allowed.

(b) We hereby quash and set aside the First Information Report in Crime No.0271 of 2023 registered with Gangazari Police Station, District Gondia for the offence punishable under Sections 324, 326, 504 read with Section 34 of the Indian Penal Code, 1860.

(c) The applicants shall deposit costs of Rs.50,000/- within one week with Charitable Institution namely, Nagpur Association for the Rehabilitation of Children and Adults With Orthopedic And Other Disabilities.

10. Place the matter on 18.01.2024, for noting compliance.

(Anil L. Pansare, J.)

(Vinay Joshi, J.)