



Judgment

912 apl 1695.23

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

CRIMINAL APPLICATION (APL) NO. 1695/2023

1. Shri Nitin s/o Surendra Jaiswal,
Aged about 42 yrs., Occ. Business,
R/o. Ward No.2, Village Katta,
Deolapar, Tah. Ramtek, Dist. Nagpur.
2. Shri Kishor s/o. Ramlal Jaiswal,
aged about 66 yrs., Occ. Business,
R/o. Ward No.1, At post Deolapar,
Tah. Ramtek, Dist. Nagpur.

... **APPLICANTS**

VERSUS

1. State of Maharashtra,
through the Police Station Officer,
Police Station Deolapar, Dist. Nagpur.
2. Mrs. Sarita w/o. Krunal Manwatkar,
Aged about 29 yrs., Occ. Housewife,
R/o. Plot No.116, Nari Road, Samta
Nagar, Nagpur Dist. Nagpur-440013 aslo
Post Katta, Ramtek, Devlapar,
Nagpur gramin, Nagpur.

... **NON-APPLICANTS**

Mr. A.C. Khare, Advocate for applicants.
Mrs. S.V. Kolhe, Addl. Public Prosecutor ('APP') for non-applicant
No.1.
Mrs. P. Manthapurwar, Advocate for non-applicant No.2.

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

DATE : 22.01.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report vide Crime No.397/2023 registered with Police Station Deolapar, Dist. Nagpur for the offence punishable under Sections 294, 506 of the Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(1)(u), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on account of settlement.

4. The informant lady along with her husband were running eatery owned by the applicants. It is her case that the applicants were instigating her to vacate the premises. On 09.09.203 in the afternoon, both applicants abused her in the name of caste, gave threats and therefore, the offence.

5. In the meantime, the parties have amicably settled the dispute. The informant and her husband have filed affidavit stating that the matter has been settled and they have no objection to quash

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the proceeding. Both were present before us and identified by their Advocate. Both have stated about the settlement and there was no objection to quash the proceeding.

6. The offence cannot be termed as heinous or anti-social. It was a private dispute between two individuals occurred on account of vacating the premises. Since the dispute is settled, continuation of trial amounts to abuse of the process of the Court. The learned counsel appearing for applicants submits that the applicant would deposit sum of Rs. 10,000/- towards the cost for engaged police machinery.

7. In view of above, application is allowed. We hereby quash First Information Report vide Crime No.397/2023 registered with Police Station Deolapar, Dist. Nagpur for the offence punishable under Sections 294, 506 of the Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(1)(u), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on account of settlement.

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

9. Application stands disposed of in above terms.
10. Stand over to 05.02.2024 for compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)