



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

CRIMINAL WRIT PETITION NO. 49/2024
AND
CRIMINAL WRIT PETITION NO. 50/2024

CRIMINAL WRIT PETITION NO. 49/2024

1. Ashish S/o. Satish Shivankar,
Aged about 37 years, Occu. Private.
 2. Nandani W/o. Hitesh Meghani,
Aged about 35 years, Occu. Household.
 3. Asha W/o. Satish Shivankar,
Aged about 60 years, Occu. Household.
- All 1 to 3 are R/o. Plot No.88,
Empress Mills Colony, Ajni, Nagpur.

4. Nilay S/o. Kishore Itlay,
Aged about 35 years,
Occ. Profession (Advocate),
R/o. 11/07 M.I.G. Near Hanuman Temple,
Rana Pratap Nagar, Nagpur.

... **PETITIONERS**

...VERSUS...

1. State of Maharashtra
through Police Station, Ajni, Nagpur.
2. Mrs. Seema W/o. Sagar Shivankar,
Aged about 32 years, Occu. Household,
R/o. Sneha Nagar, Plot No.75, Nagpur.

... **RESPONDENTS**

Mr. V. V. Bharadwaj, Advocate for Petitioner.
Mr. A. B. Badar, A.P.P. for Respondent/State.
Mr. Y. S. Jaiswal, Advocate for Respondent No.2.

AND

CRIMINAL WRIT PETITION NO. 50/2024

1. Mr. Satish S/o. Virchandra Shivankar,
Aged about 69 years, Occu. Private.

2. Mr. Sagar S/o. Satish Shivankar,
Aged about 34 years, Occu. Private.
 3. Mrs. Seema W/o. Sagar Shivankar,
Aged about 34 years, Occu. Household.
- All 1 to 3 are R/o. C/o. R. N. Pidurkar,
New Sneh Nagar, Plot No.75,
Post Pratap Nagar, Nagpur.

... PETITIONERS

...**VERSUS**...

1. State of Maharashtra
through Police Station, Ajni, Nagpur.
2. Mr. Ashish S/o. Satish Shivankar,
Aged about 37 years, Occu. Private,
R/o. Plot No.88, Empress Mills Colony,
Ajni, Nagpur.

... RESPONDENTS

Mr. Y. S. Jaiswal, Advocate for Petitioner.
Mr. A. B. Badar, A.P.P. for Respondent/State.
Mr. V. V. Bharadwaj, Advocate for Respondent No.2.

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

DATED :- 19.01.2024

ORAL JUDGMENT (PER : VINAY JOSHI, J.):-

1. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel appearing for the parties.
2. Both petitions are for quashing the criminal prosecutions which have been filed against each other. Since most of the parties are one and the same, for the sake of convenience, we have taken them together. Particularly, it was a family dispute, which has been settled, hence, quashing is sought in both petitions on account of settlement.

3. Criminal Writ Petition No.49/2024 has been filed by four accused seeking to quash the First Information Report vide Crime No.165/2022 registered with Police Station, Ajni, District Nagpur along with Regular Criminal Case No.2566/2022, which was initiated at the instance of respondent No.2 Seema.

4. Criminal Writ Petition No.50/2024 has been filed by three accused seeking to quash the First Information Report vide Crime No.166/2022 registered with Police Station, Ajni, District Nagpur along with Summary Criminal Case No.1996/2022, which was initiated at the instance of respondent No.2 Ashish.

5. It is informed that in both the proceedings investigation is complete and charge sheet has been filed. However, no charges/plea has been framed/recorded by the Trial Court.

6. Crime No.165/2022 has been registered at the instance of informant Seema against her brother-in-law, mother-in-law and other relatives. She alleges that on the date of occurrence, petitioner No.4 Nilay outraged her modesty whilst the rest has abused her. In Crime No.166/2022, the informant Ashish alleges that at relevant time, the petitioners, who are his father and other relatives have abused him in filthy language as well as caused hurt and gave threats.

7. The parties are closely related to each other. Lodgement of the First Information Report was outcome of the property dispute. With the aid and intervention of the relatives, the matter has been amicably settled. In pursuance of the settlement, the petitioner Ashish has executed registered gift deed in favour of his brother Sagar. Since the property dispute was resolved, both informants Seema and Ashish decided to put an end to the criminal prosecution. In pursuance of that, both have filed affidavits in respective petitions stating about settlement and their no objection to go on with the prosecution. Both informants are present before us. They are identified by their respective Counsel. They have agreed about the settlement, filing of reply and stated about their no objection to quash the proceedings.

8. Apparently, the parties are closely related to each other. Out of property dispute, rival complaints have been filed. The matter has been settled by making certain adjustments relating to immovable property, which was approvable to all. Since none of the informant is interested to go on with the prosecution, there is no purpose in continuation of the criminal cases. The respective offences cannot be termed as heinous and antisocial. Rather the interest of justice would be secured by way of disposing of both the criminal prosecutions. Since the police machinery has invoked for settling of private property dispute, the respective petitioners expressed to deposit costs of Rs.10,000/- in each petition.

9. In view of above, following order :
- i. Criminal Writ Petition No.49/2024 is allowed.
 - ii. We hereby quash and set aside the First Information Report vide Crime No.165/2022 registered with Police Station, Ajni, District Nagpur for the offences punishable under Sections 354, 323, 504 read with Section 34 of the Indian Penal Code along with related Criminal Proceedings bearing Regular Criminal Case No.2566/2022.
 - iii. The petitioner shall deposit some of Rs.10,000/- within one week with the High Court Bar Association, Nagpur.
 - iv. Criminal Writ Petition No.50/2024 is allowed.
 - v. We hereby quash and set aside the First Information Report vide Crime No.166/2022 registered with Police Station, Ajni, District Nagpur for the offences punishable under Sections 294, 323, 506 of the Indian Penal Code along with related Criminal Proceedings bearing Summary Criminal Case No.1996/2022.
 - vi. The petitioner shall deposit some of Rs.10,000/- within one week with the High Court Bar Association, Nagpur.

10. Rule is made absolute in the above terms.
11. The matter be fixed on 31.01.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)