



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

CRIMINAL APPLICATION (APL) NO. 226 OF 2024

Asha w/o. Mukesh Gichre,
Aged about 47 years, Occ.- Safai Kamgar,
R/o. Sweeper Colony,
Municipal High School, Ward No.10,
Kalmeshwar, Nagpur – 441501.

... APPLICANT

...VERSUS...

1. State of Maharashtra,
Through Police Station Kalmeshwar,
Nagpur.
2. Mr. Haridas s/o. Ghanshyam Chamke,
Aged about 45 years, Occ.- Service,
C/o. Shriniketan Colony, Ward No.14,
Police Station, Kalmeshwar,
Nagpur – 441501.

...NON-APPLICANTS

Mr. Santosh Nimje, Advocates for Applicant.
Ms. Mayuri Deshmukh, A.P.P. for Non-applicant/State.
Mr. Kunal Nandurkar, Advocate for Non-applicant No.2.

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

DATED :- 07.08.2024

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

Heard finally by consent of both the learned counsel for the parties.

(2) **Admit.**

(3) This is an application seeking to quash the First Information Report bearing Crime No.126/2016 registered with Kalmeshwar Police Station, Nagpur for the offence punishable under Sections 353, 186, 504, 506 read with Section 34 of the Indian Penal Code along with charge-sheet No.209/2016 and R.C.C.No.179/2016, on account of settlement in between the parties. The applicant is one of the accused in the said crime.

(4) The informant is present before us and filed reply/affidavit stating that the applicant had no role and thus, he has no objection to quash proceeding. We have already considered a similar aspect in Criminal Application (APL) No.149/2023 and Criminal Application (APL) No.1547/2023 whereby we have quashed prosecution against co-accused Sau. Radha @ Arti w/o. Arun Behuniya and Manisha @ Minakshi w/o. Yavraj Gichre, who stand on the same footing. For the reasons recorded therein, continuation of prosecution amounts to abuse of the process of Court, hence, the following order :

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The First Information Report bearing Crime No.126/2016 registered with Kalmeshwar Police Station, Nagpur for the offence punishable under Sections 353, 186, 504, 506 read with Section 34 of the Indian Penal Code along with criminal

prosecution mentioned in R.C.C. No.179/2016 and charge-sheet No.209/2016, is hereby quashed and set aside as regards to applicant – Asha w/o. Mukesh Gichre only.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)