



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

CRIMINAL APPLICATION (APL) NO. 604 OF 2024

Santosh s/o. Ramdas Shirsat,
Aged about 28 years, Occ.: Pujari,
R/o. Akoli Hingana, District Akola.

... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through its Police Station Officer,
Old City Police Station, Tal. Akola,
District Akola.
2. Omkar S/o. Bapurao Jaunjalkar,
Aged about 71 years,
Occ.: Retired Police Officer,
R/o. Gita Nagar, Matoshree Colony,
Akoli Khurd, Akola (Rural), Akola – 444002.
3. Sadashiv S/o. Omkar Jaunjalkar,
Aged about 38 years, Occ.: Business,
R/o. Gita Nagar, Matoshree Colony,
Akoli Khurd, Akola (Rural), Akola – 444002.
4. Sagar S/o. Karansingh Rajput,
Aged about 33 years, Occ.: Business,
R/o. Plot No.8, Samthana Road,
Matoshree Colony, Akoli Khurd,
Akola (Rural), Akola – 444002.

...**NON-APPLICANTS**

Mr. S. G. Joshi, Advocate for Applicant.
Mr. S. S. Doifode, A.P.P. for Non-applicant/State.
Mr. N. R. Tekade, Advocate for Non-applicant Nos.2 to 4.

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

DATED :- 22.04.2024

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

1. Heard.
2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties. Mr. S. S. Doifode, learned A.P.P. waives service of notice for non-applicant No.1/State and Mr. N. R. Tekade, learned Counsel waives service of notice for non-applicant Nos.2 to 4.
3. This is an application seeking to quash First Information Report vide Crime 68/2024 registered with Old City Police Station, District Akola for the offence punishable under Sections 323, 326, 504 and 506 of the Indian Penal Code on account of mutual settlement.
4. On 07.01.2024 while the informant's son was proceeded by two wheeler, there was a dash, on which the applicant got annoyed and hit at the head of the informant's son Sadashiv by means of iron rod, causing him bleeding injury. The informant as well as one of the neighbour namely Sagar went to the rescue of Sadashiv, however, the applicant also hit by an iron rod on the head of Sagar and slapped the informant, therefore, the report. The investigation has commenced, however, yet the charge-sheet has not been filed.
5. The parties are residents of the same village. The applicant has borne the medical expenses of both the injured. It is informed that both the

injured were hospitalized for only one day and they have been fully recovered. Both the injured as well as the informant appeared *suo motu* through Advocate Mr. Tekade. They are present and identified by their Counsel. They have filed affidavit stating that the matter has been settled and they do not want to proceed. Both the injured stated that the incident was outcome of an accident, occurred on the spur of the moment, hence, they are not inclined to go further. Moreover, they being resident of the same area, to maintain peace, they inclined to forgo the applicant and gave their no objection to quash the proceedings. Both the injured also stated that the applicant has borne entire medical expenses.

6. Taking the matter as a whole, it appears that on the spur of the moment, the incident occurred. The parties are acquainted with each other. The assault was not a pre-planned nor the injured sustained injuries which confined them for longer period. The offence cannot be termed as heinous or anti-social.

7. Learned Counsel for the applicant has submitted that the applicant would deposit sum of Rs.10,000/- to reimbursement the State machinery. In view of the above, we have no hesitation to exercise our inherent jurisdiction as the continuation of the prosecution amounts to abuse of the process of the Court.

8. In view of the above, the application is allowed. We hereby quash and set aside the First Information Report vide Crime 68/2024 registered with Old City Police Station, District Akola for the offence punishable under Sections 323, 326, 504 and 506 of the Indian Penal Code.

9. The applicant shall deposit sum of Rs.10,000/- with the High Court Bar Association, Nagpur within one week from today.

10. Stand over to 30.04.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)