



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

CRIMINAL APPLICATION (APL) NO.772/2024

1. Shri. Nandlal Bhulva Nishad
Aged 42 years, Occ. Security Guard,
R/o. Matoshri Nagar, Wanadongri
Hingna Road, Nagpur, Dist. Nagpur
2. Shri. Kamal Kishor Shahu
Aged 31 years, Occ. Estate Agent
R/o C/o Ashok Gire, Mokshdham Ghat
Road, Tah. and Dist. Nagpur
3. Shri. Bablu Shukhraj Kevat
Aged 37 years, Occu. Businessman
R/o Wathoda Shriram Nagar, Near
Symhosis College, Nagpur Dist. Nagpur
4. Shri. Kamtaprasad Tivaru Nishad
Aged 41 years, Occ. Labour
R/o Ward No.2, Near Maton Market,
Mahajan Nagar, Majari Collery, Dist.
Chandrapur.

....APPLICANTS

...VERSUS...

1. State of Maharashtra, through
Police Station Officer,
Police Station Ghughus,
Tah. and Dist. Chandrapur
2. Bajeda s/o Praretha Sarthi
Aged 41 years, Occ. Supervisor

R/o Shalom Nagar, Ghughus,
Tah. and Dist. Chandrapur

...NON-APPLICANTS

Shri J.S. Mishra, Advocate for applicant
Ms K.H. Bhondge, A.P.P. for non-applicant No.1
Shri S.A. Andhare, Adv. h/f Shri G. Khond, Adv. for non-applicant No.2

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

DATED : 09/08/2024

ORAL JUDGMENT (PER : VINAY JOSHI, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of learned Counsel for both the parties.

3. This is an application seeking to quash the chargesheet (RCC No. 420/2023) arising out of Crime No.354/2022, registered with Police Station Ghughus, Dist. Chandrapur for the offences punishable under Sections 379, 382, 511 and 34 of the Indian Penal Code on account of settlement.

4. Informant namely Bajeda s/o Praretha Sarthi, was serving as a Supervisor with Sevenhills Enterprises, which is a proprietary concerned. On 22/10/2022, around 12 midnight, four unknown thieves, entered into the factory and tried to steal machinery. Seeing the unknown persons, the informant raised alarm on which thieves run away. On the basis of report, police carried out investigation. During the course of investigation, complicity of applicants was revealed on which, they have been arrested. On completion of investigation, chargesheet has been filed. The learned trial Court has yet not framed charges.

5. The parties have mutually settled the matter out of Court. The informant has filed his affidavit stating that on account of settlement, he does not wish to prosecute further.

6. Proprietor of the concerned has tendered a letter of authority, whereby he has authorized the informant supervisor to settle the matter on his behalf.

7. It is a case of failed attempt of theft during night hours. Nothing was stolen meaning thereby there was no wrongful gain or wrongful loss. The offence has no social repercussions. Considering the future of applicants, the informant and proprietors thought it fit to pardon them for their thief. Taking into account of all above instances, interest of justice would be secured by quashing the prosecution.

8. The learned Counsel for applicants made a statement that as the police missionary was rotated, the applicants would deposit costs of Rs.10,000/- towards rotating police machinery.

9. In view of above, we proceed to pass the following order:

ORDER

- i) The Criminal Application is allowed.
- ii) We hereby quashed and set aside the criminal prosecution vide chargesheet (RCC No. 420/2023) arising out of Crime

No.354/2022, registered with Police Station Ghughus, Dist. Chandrapur for the offences punishable under Sections 379, 382, 511 and 34 of the Indian Penal Code.

iii) The applicants shall deposit costs of Rs.10,000/- with Vidarbha Lady Lawyer Association, Nagpur within one week from today.

10. List the matter on 19/08/2024 for reporting compliance.

11. Rule is made absolute in above terms. No costs.

JUDGE

JUDGE

R.S. Sahare