



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

CRIMINAL APPLICATION (APL) NO. 1061 OF 2024

1. Kundan s/o. Harishchandra Shirkhare,
Aged about 23 years, Occupation – Labour,
R/o. Yashodha Nagar No.2, Amravati.
2. Golu @ Suraj S/o. Shrikrishna Raut,
Aged about 23 years, Occupation – Labourer,
R/o. Mahadevkhori, Amravati. (In Jail)
3. Prajwal S/o., Ganeshrao Katagade,
Aged about 25 years, Occupation – Labourer,
R/o. Kalyan Nagar, Amravati. (In Jail)
4. Sagar S/o. Subashrao Gajghate,
Aged about 25 years, Occupation – Labourer,
R/o. Sanjay Gandhi Nagar No.2, Amravati.
5. Yash S/o. Late Prafulla Bhilkar,
Aged Minor (17), Through Natural Guardian
Mother – Anita P. Bhilkar – Major,
Occ.- Labour,
R/o. Chaitanya Colony, Amravati.
6. Nikhil S/o. Dhanraj Makode,
Aged about 22 years, Occupation – Labourer,
R/o. Kumbharwada, Amravati. (In Jail) ... **APPLICANTS**

...VERSUS...

1. State of Maharashtra,
Through P. S. O. Frezarpura, Amravati,
Tah. and District – Amravati.
2. Rajkumar S/o. Chhatumal Ratnani,
Aged about 67 years, Occupation – Business,
R/o. Vyankatesh Colony,
Near Hariganga Oil Mill, Rajapeth, Amravati,
Tah. and District – Amravati. ...**NON-APPLICANTS**

Mr. P. V. Navlani, Advocate for Applicants.
Ms S. S. Jachak, A.P.P. for Non-applicant/State.
Mr. V. S. Uberoi, Advocate for Non-applicant No.2.

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

DATED :- 26.08.2024

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.
3. This is an application seeking to quash First Information Report No.600/2024 registered with Police Station Frezarpur, District Amravati for the offences punishable under Sections 310(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.) on account of settlement.
4. Precisely, it is the prosecution case that the informant owns a Beer Bar. On the date of occurrence, after the closure of the bar, the applicants barged into the bar, demanded liquor bottles, and on refusal, gave threats and forcibly took the liquor bottles worth Rs.4000/- without payment. Therefore, the crime has been registered for the offence of dacoity and criminal intimidation.
5. The informant as well as the manager Dhananjay are present before us, who have filed affidavit-in-reply stating that the matter is

amicably settled and they do not want to prosecute further. It is informed that all the applicants are residents of the same locality and regular visitors of the bar. Out of misunderstanding, the report has been lodged. Though the offence of dacoity has been registered, however, looking to the facts of the case, it reveals that the matter only relates to non-payment of the liquor worth Rs.4000/- and giving threats. All the applicants reside in the same vicinity and thus, to maintain cordial relations, the informant party voluntarily agreed to settle the dispute. Certainly, settlement would be in the interest of both as they would maintain cordial relationship in future. It is informed that applicant Nos.2, 3 and 6 are in jail relating to this crime. Having regard to peculiarity of the fact, we deem it appropriate to quash the proceeding on account of settlement.

6. Learned Counsel for the applicant Mr. Navlani would submit that the applicants would deposit sum of Rs.25,000/- towards costs for rotating the police machinery. In view of the settlement, the continuation of the prosecution amounts to abuse of the process of the Court. Since, the matter is settled, the possibility of securing conviction is deemed. In the circumstances, the application is allowed. We hereby quash and set aside the First Information Report No. 600/2024 registered with Police Station Frezarpur, District Amravati for the offences punishable under Sections 310(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

7. The applicants shall deposit sum of Rs.25,000/- towards costs with the Vidarbha Lady Lawyers Association within a period of one week from today.
8. After quashing of the First Information Report, the concerned Court shall pass necessary order of release of the applicant Nos.2, 3 and 6 if not involved in other crime.
9. The matter be placed on 03.09.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)