



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

CRIMINAL APPLICATION (APL) NO. 1299 OF 2024

Mahesh Chudamal Patil,
R/o. Kamptee, Bina (Sangam), Kamptee,
Tq. Dist. Nagpur.

... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Kamptee, Tq. Dist. Nagpur.

2. Manoj Deepak Walde,
Aged about 25 years,
R/o. Near Budha Vihar,
Ram Nagar, Kamptee,
Tq. & Dist. Nagpur.

...**NON-APPLICANTS**

Mr. S. P. Bhandarkar, Advocate for Applicant.
Mr. A. M. Joshi, A.P.P. for Non-applicant/State.
Mr. Yash Bhelande, Advocate for Non-applicant No.2.

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

DATED :- **27.09.2024**

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 vide
Crime No.388/2024 registered with Police Station Kamptee, District Nagpur

for the offence punishable under Sections 109, 3(5), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023 on account of settlement.

4. On 10.08.2024 around 10.30 p.m. the informant Manoj had been to restaurant along with his friends. While the informant was talking with some one on mobile, at that time, the applicant asked him to talk in low voice. For said reason, the applicant got annoyed and picked up quarrel. The applicant and his friend got angered and some of them hit at the head of the informant by liquor bottle causing him bleeding injury of grave nature. So also, the applicant and his associates manhandled the informant's two friends and, therefore, the report. On the basis of the report, the crime has been registered for the aforesaid offences and the investigation has commenced.

5. In the meantime, the parties have settled the dispute out of the Court. The informant Manoj and his two friends Swapndip and Siddhant have filed reply-cum-affidavit stating about settlement and their no objection to quash the proceedings. All of them have appeared before us, who were identified by their Counsel. They have stated that the matter is amicably settled and they do not wish to go on with the prosecution. They stated that all are resident of same area, hence to maintain harmony they are not inclined to go on with the prosecution.

6. Learned A.P.P. has produced case papers for our perusal. We have gone through the Medico Legal Certificate issued by the Medical Officer, Sub-District Hospital, Kamptee. It reveals that there was isolated incised wound at left temporal region. City Scan was drawn. However, on the very day, the injured was discharged. Though the police have invoked the offence punishable under Section 307 of the Indian Penal Code, we have considered the entire episode as a whole. Admittedly, the parties are unknown to each other meaning thereby the incident occurred abruptly in absence of any premeditation. Both groups of young boys were in the restaurant and for flimsy reason, the quarrel took place, in which one of the assailant hit on the head of the informant by bottle. We have also taken a note that the applicant party was not carrying weapon but abruptly at the hit of moment took out a liquor bottle which was easily available and hit at the head of the informant. Though it was a bleeding head injury, however, on the very day, the injured was discharged. The informant-injured also stated that there were no further medical complications and for maintaining cordial relations, the matter has been settled. Having regard to above peculiar facts, we are inclined to exercise our inherent jurisdiction. The applicant expressed to deposit sum of Rs.20,000/- for rotating police machinery.

7. In view of above, the application is allowed. We hereby quash and set aside the First Information Report vide Crime No.388/2024 registered

with Police Station Kamptee, District Nagpur for the offence punishable under Sections 109, 3(5), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023 against the applicant only.

8. The applicant shall deposit sum of Rs.20,000/- towards costs with the Government Pleader's Library within a period of two weeks from today.
9. The matter be placed on 14.10.2024 for reporting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)