



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

CRIMINAL APPLICATION (APL) NO. 1724 OF 2024

1. Rohit Sheshrao Gyar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,
Chindwara 480 107
2. Kailas Gangadhar Zinjorkar,
Age 22 yrs, Occ. Farming
R/o Sarora, Chikhalikalan,
Chindwara 480 107
3. Purohit Balram Gyar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,
Chindwara 480 107
4. Umesh Sahdeo Zinjorkar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,
Chindwara 480 107
5. Pinku alias Pankaj Omji Gyar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,
Chindwara 480 107
6. Mukund Vinayak Gyar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,
Chindwara 480 107
7. Deepak Laxman Bhawarkar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,
Chindwara 480 107
8. Dharmendra Keserao Zinjorkar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,

Chindwara 480 107

9. Abhishek Sejrao Gyar,
Age 22 yrs, Occ. Farming,
R/o Sarora, Chikhalikalan,
Chindwara 480 107

..... **APPLICANTS**

...V E R S U S...

1. The State of Maharashtra,
through Police Officer, Police Station
Saoner, Dist. Nagpur

2. Mr. Rajesh Surajlala Dhurve,
Age 32 yrs, Occ. Driver,
R/o. Udravasi Colony, Goreghat,
Tal. Mohkhed, Dist. Chindwada,

.....**NON-APPLICANTS**

Ms. Pallavi Mahashabde, Advocate for applicants.
Mr. A.V. Palshikar, APP for non-applicant No.1/State.
Ms. B.A. Kale, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 20.12.2024

JUDGMENT (Per : Abhay J. Mantri, J.)

Heard. Admit. With the consent of the learned Counsel
for the parties, the matter is taken up for final disposal.

2. The applicants are invoking the inherent jurisdiction of
this Court under Section 482 of the Criminal Procedure Code to
quash the First Information Report ("*FIR*", -for short) bearing Crime
No. 674/2023 registered with Saoner Police Station for the offence

punishable under Sections 341, 336, 395, and 427 of the Indian Penal Code (“*IPC*”, - for short) and filing of the consequential proceedings bearing, Regular Criminal Case (*RCC*) No. 374/2023, pending before the learned Sessions Judge, Nagpur.

3. Ms. Mahashabde, the learned Counsel for the applicants, and Ms. Kale, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties during the pendency of this application. Accordingly, non-applicant No. 2 has filed an affidavit stating that he is ready to withdraw the criminal proceedings against the applicants.

4. In brief, the facts are that on 26.07.2023, the complainant was proceeding in a sixteen-wheeler truck from Sarora to Hyderabad from Pandhurna High-way at that time, and some persons were pelting stones on the glass of the cabin from the front side. So he stopped the truck. Then seven persons robbed his mobile and cash of Rs. 10500/- from his pant pocket. Therefore, non-applicant No. 2 lodged the report against applicant No. 1 Rohit and eight others at Saoner Police Station. Based on this, Crime No. 674/2023 came to be registered with Saoner Police Station for the

offence punishable under Sections 341, 336, 395, and 427 of the Indian Penal Code against the applicants. After completing the investigation, a Charge Sheet was filed in the Sessions Court.

5. Being aggrieved by the registration of FIR and filing of the Charge Sheet and criminal proceedings (bearing RCC No.374/2023) before the Additional Sessions Judge, Nagpur, applicants filled this application to quash and set aside the FIR and criminal proceedings arising out of the same since the allegations made do not constitute the commission of any of the offences.

6. Applicants and non-applicant No. 2 are present before the Court and are identified by their respective Counsel. Non-applicant No. 2 categorically stated that the matter had been settled between them. Accordingly, non-applicant No. 2 has stated that he does not want to proceed against the applicants and gave no objection to quashing the FIR and the criminal proceedings arising out of the said FIR. Pursuant to the same, non-applicant No.2 has filed an affidavit in that regard, stating that he is ready to withdraw the criminal proceedings filed against the applicants and gave no objection to quash the same.

7. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 has agreed to withdraw the criminal proceedings and gave no objection to quashing the same. *Moreover*, the nature of the offence is neither heinous nor anti-social, but the same arises out of the marital dispute. Therefore, in our view, there is no reason to continue with the prosecution.

8. In the wake of the above, it would be proper to allow the application in terms of the settlement as it would not cause prejudice to any of the parties.

9. In the background above, we are satisfied that the case is made out to exercise our inherent powers to secure the ends of justice and to prevent abuse of the process of the law. Hence, we pass the following order:

(i) The Criminal Application is allowed.

(ii) We hereby quash and set aside the First Information Report bearing Crime No. 674/2023, registered with Saoner Police Station, for the offences punishable under Sections 341, 336, 395 and 427 of the Indian Penal Code, Chargesheet No. 219/2023 and the consequential

criminal proceedings bearing, Regular Criminal Case No. 374/2023, pending before the learned Additional Sessions Judge, Nagpur.

(iii) The application stands disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)