



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

CRIMINAL WRIT PETITION NO. 113 OF 2025

1. Samyak S/o. Niraj Jain,
Aged about 22 years, Occu : Student,
R/o.C/o. Niraj Jain, C-7/10, C-Block,
Rana Pratap Bagh, New Delhi.
2. Vivek S/o. Ketan Shah,
Aged about 21 years, Occu.: Student,
R/o.A-1/1103, Vimal Heights,
Nandanvan Homes, Kalwa,
Parsik Nagar, Thane.
3. Aditya S/o. Ajay Bakshi,
Aged about 21 years, Occu. Student,
R/o.C/o. Ajay Bakshi, J-74, 2nd Floor,
Paryavaran Complex, Neb Sarai,
Ignou, Delhi.

.... **PETITIONERS.**

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1. State of Maharashtra,
Through Police Station Officer,
Police Station Kalmana, Nagpur City.
2. Savita Ravindra Dhatrik,
Aged 41, Occu. Lady Police Constable,
Buckle Number 295, Kamthi Traffic,
Nagpur City, R/o. Plot Number 60,
Sahakar Nagar, Kharbi Road,
Near Durga Temple, Nagpur.
3. Commissioner of Police,
Nagpur City, Nagpur.

.... **RESPONDENTS.**

Shri Rajnish Vyas, Advocates with Petitioners.
Shri N.S.Rao, A.P.P. for Respondent No.1 & 3.
Shri A.M.Ved, Advocate with Respondent No.2.

CORAM : ANIL S. KILOR AND
M.M.NERLIKAR, JJ.

DATED : JULY 14, 2025.

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Since during pending of the present writ petition charge-sheet came to be filed, leave is granted to the petitioner to amend the petition.
2. The amendment be carried out forthwith.
3. Heard.
4. **RULE.** Rule made returnable forthwith. Heard by consent of the learned counsel for the parties.
5. By way of present writ petition filed under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 a prayer is made to quash and set aside the charge-sheet bearing Regular Criminal Case No.2179 of 2025 pending in the Court of 2nd Additional Chief Judicial Magistrate, Nagpur, arising out of Crime No.0717 of 2024, dated 02/10/2024 registered with Police Station, Kalmana, District : Nagpur for the offences punishable under Sections 132, 74, 75, 296, 352,

351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2013 (“BNS” for Short) and Sections 194C, 179(1), 3, 128(1) and 181 of the Motor Vehicles Act, 1988.

6. The respondent No.2 is working as Lady Police Constable (LPC) in Traffic Department. It is alleged that on 01/10/2024 when the complainant was performing her duty in front of Bharat Nagar Chowk near Sarja Bar, and since there was a traffic jam she was trying to smoothen the traffic flow, the petitioners came there on a motorcycle and they were speeding towards Sarja Bar. The complainant asked them to stop and asked for their licence, to which they answered in negative. There was exchange of hot words and it is alleged that two of the petitioners pushed her hard by hitting her chest two or three times and also grabbed her hand and started to abuse her. It is further alleged that the petitioners threatened her with dire consequences saying that they are law students and they know the law. After the incidence she lodged complaint and accordingly the offence came to be registered.

7. Today, the learned counsel for the petitioners and the respondent No.2 make a joint statement that the matter has been settled between the parties out of the Court and the respondent No.2 does not want to prosecute the petitioners.

8. The respondent No.2-complainant is present in the Court and she has been identified by her counsel. On interaction, she admits the fact of settlement and states that she does not want to prosecute the petitioners as they are students and are pursuing their studies.

9. In light of the fact that the parties have amicably settled the matter out of the Court and the respondent No.2, considering the future of the petitioners, who are students, decided not to prosecute the petitioners. Thus, in view of the judgment of the Hon'ble Supreme Court of India in the case of *Narinder Singh vs. State of Punjab* reported in **2014 AIR SCW 2065**, we are of the opinion that the settlement may be accepted.

10. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of *Madan Mohan Abbot ..vs... State of Punjab*, reported in **(2008) 4 SCC 582**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts, which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of prosecution of the petitioners in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to quash the FIR and proceedings in order to secure the ends of justice.

11. However, out of the remorse and repentance the petitioners, on their own, intend to do some community service.

12. The learned counsel for the petitioners submits that the petitioners are ready to visit any village for providing free legal aid to the needy persons. He submits that he will file a pursis stating therein the name of the village, date and time during which the petitioners will provide legal services etc. He further submits that the photographs of the same will be filed on record towards compliance.

13. In view of the above, we pass the following order :

- i) The Writ Petition is allowed.
- ii) The criminal proceedings bearing Regular Criminal Case No. 2179 of 2025 pending in the Court of Second Additional Chief Judicial Magistrate, Nagpur, arising out of Crime No.0717 of 2024, dated 02/10/2024 registered with Police Station, Kalmana, District : Nagpur for the offences punishable under Sections 132, 74, 75, 296, 352, 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2013 and Sections 194C, 179(1), 3, 128(1) and 181 of the Motor Vehicles Act, 1988, is hereby quashed and set aside.

- iii) The petitioners shall provide free legal aid to the villagers, as community service, as detailed in the pursis.

Rule is made absolute accordingly.

(M.M.NERLIKAR,J)

(ANIL S.KILOR,J)

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