



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

CRIMINAL APPLICATION NO.219 OF 2025

1. Anurag s/o Ravindra Nandanwar, aged about 21 years, Occu.: Student, College Pune, Permanent r/o Ramdhan Chowk, Bhiwapur, Tq. Bhiwapur, Dist. Nagpur.

(Original Accused)

2. Ashok s/o Shankar Shrirame, aged about 46 years, Occu. Labour Work, R/o Ramdhan Chowk, Bhiwapur, Tq. Bhiwapur, Dist. Nagpur.

(Original Complainant)

... APPLICANTS

VERSUS

The State of Maharashtra, through
Police Station Officer, Police Station
Bhiwapur, District Nagpur.

... NON-APPLICANT.

Shri Vishnu Bhagawan Gawali, Advocate for the applicants.
Ms Shamsi Haider, Addl. Public Prosecutor for the State.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

CLOSED ON : 24.03.2025.

PRONOUNCED ON : 26.03.2025.

JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of both the parties.

3. This application is filed jointly by original accused no.2 and informant/complainant seeking for quashing and setting aside the charge-sheet bearing No.62A/2020 arising out of First Information Report ('FIR') No.312 of 2020 registered with the Bhiwapur Police Station, Nagpur Rural for the offence punishable under Sections 325, 504, 506 read with Section 34 of the Indian Penal Code ('IPC') and consequential proceedings before the learned Juvenile Court, Nagpur bearing No.374 of 2020, in view of the amicable settlement between them.

4. It is the prosecution case in short that applicant no.2 on 22.09.2020 lodged report to the Bhiwapur Police Station alleging that on 21.09.2020, applicant no.1 and other co-accused quarreled with him on petty reasons, beaten him by wooden stick by threatening for dire consequences.

5. After conducting the investigation, charge-sheet came to be filed on 26.10.2020. At the time of filing of charge-sheet, the present applicant was 17 years old. As such, considering his age, two separate charge-sheets were filed numbered as 62/2020 and 62A/2020. After filing of charge-sheet no.62A/2020 proceedings bearing No.374/2020 was registered against the applicant no.1 at the Juvenile Justice Board, Nagpur. The said case is pending against him since the year 2020.

6. In the meantime, R.C.C. No.58 of 2020 arising out of charge-sheet No.62/2020 against co-accused was resulted in acquittal of all the co-accused by judgment and order dated 29.09.2023 passed by the Judicial Magistrate First Class, Bhiwapur, District Nagpur.

7. By this application, it now stated by applicant no.2 on oath that he is ready to compound the offence and has no objection for quashing the prosecution against applicant no.1. Accordingly, we have perused the offence punishable under Section 325, 504, 506 read with Section 34 of the Indian Penal Code, which are registered against the present applicant.

According to Section 320 of Code of Criminal Procedure, Section 325 of the IPC is compoundable at the instance of person to whom, hurt is caused. So also, Section 504, 506 of IPC are compoundable.

8. it is stated that Hon'ble Supreme Court in the case of *B.S. Joshi and ors. vs. State of Haryana and anr. 2003(4) SCC 675* has specifically held that if for the purpose of securing the ends of justice, quashing of FIR become necessary, Section 320 of CrPC would not be a bar to exercise of powers for quashing. However, it was made clear while exercising the inherent powers of quashing under Section 482, it is necessary to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue, where-in the opinion of the Court, chances of an ultimate conviction is bleak and no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, can quash the proceedings.

9. In the present case, as stated above, applicant no.2 who

is himself the complainant came with a case that he is ready to compound the offence and has no objection for quashing the prosecution against the applicant no.1 coupled with a fact that applicant no.1 at the time of alleged crime was of 17 years old and presently, pursuing curriculum of engineering. According to us, it is expedient and in the interest of justice to quash the proceedings, In view of the amicable settlement between applicant nos. 1 and 2 and the fact that the offences registered against the applicant are compoundable, no fruitful purpose would be served by allowing the criminal prosecution against the applicant no.1. Continuation of prosecution will unnecessarily waste the precious time and energy of the Court.

10. Hence, by exercising inherent powers under Section 482 of the Code of Criminal Procedure, we hereby quashed and set aside the Charge-sheet No.62A/2020 arising out of First Information Report ('FIR') No.312 of 2020 registered with the Bhiwapur Police Station, Nagpur Rural for the offence punishable under Sections 325, 504, 506 read with Section 34 of the Indian Penal Code and consequential proceedings before the learned

Juvenile Court, Nagpur bearing No.374 of 2020.

11. The application stands disposed of accordingly. No costs.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR , J.)

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