



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

CRIMINAL APPLICATION (APL) NO. 368/2025

Asha Gulabrao Datey,
aged 62 years, Occ. Household,
r/o 105, Ahilyadevi Nagar,
Dhangar Society, Near Chichordi Sale,
Bhadrawati, Dist. Chandarpur.

.....APPLICANT

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

1. State of Maharashtra, through
Police Station Officer, Police Station,
Bhadrawati, Tq. Bhadrawati,
Dist. Chandrapur.
2. Gulab Laxman Datey,
aged 75 years, Occ. Retired,
r/o 105, Ahilyadevi Nagar,
Dhangar Society, Near Chichordi Sale,
Bhadrawati, Dist. Chandarpur.
3. Suraj Gualbrao Datey,
aged 35 years, Occ. Nil,
r/o c/o Harshal Ghodmare, behind
Sai Mandir, Saoner, Tq. Saoner,
Dist. Nagpur.

...NON APPLICANTS.

Mr. S. C. Chande, Advocate for applicant.
Ms S. Z. Haider, A.P.P. for non applicant No.1-State.
Mr. S. V. Kulkarni, Advocate for non applicant No.2.
Mr. U. V. Wasnik, Advocate for non applicant No.3.

CORAM:- ANIL L. PANSARE AND M. M. NERLIKAR, JJ.
DATED :- 22.07.2025

ORAL JUDGMENT (Per: Anil L. Pansare, J.)

Issue Rule, returnable forthwith. Ms S. Z. Haider, learned
A.P.P. waives service for non applicant No.1-State, Mr. S. V. Kulkarni,

learned counsel waives service for non applicant No.2 and Mr. U. V. Wasnik, learned counsel waives service for non applicant No.3. With consent of learned counsel for the parties, the application is taken up for final hearing.

2. Applicant – informant has filed present application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (Section 482 of the Criminal Procedure Code, 1973), to quash charge-sheet in Crime No.342/2023 for the offence punishable under Section 307 of the Indian Penal Code, 1860.

3. Applicant, who is mother of non applicant No.3, lodged First Information Report (FIR), stating therein that on 01.07.2023 at about 04:00 a.m., non applicant No.3 assaulted his father (non applicant No.2 herein) on head by means of wooden plank (Moghari) as also by stone, for not giving him money. Accordingly, FIR under Section 307 of the IPC was lodged.

4. It is, thus, a case of assault by son to his father for which the mother has lodged report. It appears that in due course of time, parties have decided to let go the issue and arrive at an amicable solution. Accordingly, a joint compromise pursis has been filed. It bears signatures of applicant and non applicant Nos. 2 and 3. On 01.07.2025, non applicant No.2 was present in the Court (Coram: Anil S. Kilor and

Vrushali V. Joshi, JJ.). On interaction, the Court noted that he is not willing to prosecute the matter any further. His presence was accordingly exempted.

5. Today, applicant and non applicant No.3 are present. We have interacted with them. During the course of interaction, we have noticed that non applicant No.3 has shown repentance to the act done by him. He made voluntary statement that he will take care of his parents and will also extend them financial help. The statement is made knowing fully well that non applicant No.2 is receiving pension of about Rs.25,000/- per month. Non applicant No.3 further made a statement that he will take care of both parents. The applicant is also hopeful that her son, being the sole means of shelter available to them, will look after their old aged needs. Thus, it appears that the parents have forgiven their son for his misdeeds and they all wish to lead a peaceful life.

6. Counsel for non applicant No.3 has invited our attention to the statement made by non applicant No.2 before the concerned Magistrate, under Section 164 of the Criminal Procedure Code, 1973. He stated that there occurred some arguments on the ground of non applicant No.3 demanding money and thereafter he (non applicant No.3) pushed non applicant No.2, who fell down and sustained head injury. Thus, the theory of non applicant No.3 hitting non applicant

No.2 by wooden plank and stone has been reduced to a simple push.

7. Considering this modified version, which stands at a higher footing, having been made before the Magistrate, we are of the view that ingredients of Section 307 of the IPC may not be attracted. The action of non applicant No.3 to push non applicant No.2 appears to have been taken in the spur of moment.

8. Be that as it may, the family members have decided to put at rest the issues and lead a peaceful life. In the circumstances, we are of the opinion that continuation of criminal proceedings would serve no fruitful purpose and would only amount to abuse of process. Nonetheless, the valuable time of investigating agency and the Court is spent in the intervening period, for which non applicant No.3 shall deposit an amount of Rs.30,000/- with the Registry, which shall be then remitted to the Chandrapur Police Welfare Fund.

9. The application is accordingly allowed in terms of prayer clause (i), which reads thus:

“Quash and set aside the charge-sheet in Crime No. 342/2023, dated 01.07.2023 (Annexure A) for the offences punishable under Section 307 of the Indian Penal Code against the respondent no.3 registered by the respondent no.1-Police Station Officer, Police Station, Bhadrawati, District Chandrapur.”

Non applicant No.3 shall deposit costs of Rs.30,000/- with Registry of this Court within two weeks from today, which shall be then remitted to the Chandrapur Police Welfare Fund.

Rule is made absolute in the above terms.

(M. M. Nerlikar, J.)

(Anil L. Pansare, J.)

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