



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

Criminal Application [APL] No.365 of 2025

Manav s/o Jai Rai and another

vs.

The State of Maharashtra, through P.S.O. Sitabuldi, Dist. Nagpur and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. P.M. Sinha, Advocate for the Applicants.

Ms. Sonia Thakur, A.P.P. for Non-Applicant No.1.

Mr. S.S. Chourasia, Advocate for Non-Applicant Nos.2 & 3.

CORAM : ANIL L. PANSARE & M.M. NERLIKAR, JJ.

DATE : 23rd JULY, 2025.

The application has been filed for quashing F.I.R. lodged by non-applicant No.2 vide Crime No.1267/2024 for the offences punishable under Sections 118(2), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

02. We have heard both sides. It transpires that the applicants and non-applicant Nos.2 and 3 were involved in a quarrel resulting into assault by rod. Non-applicant Nos.2 and 3 have filed reply stating therein that they all are friends and the report was lodged in the spur of moment because of aggression against the applicants. They have settled the dispute amicably for leading peaceful future. The F.I.R. indicates that applicant No.2 has taken a rod in his hand and assaulted non-applicant Nos.2 and 3. In the course of assault, non-applicant No.2 sustained injury of rod, which was not really hit by applicant No.2. Thus, this is not a case of intentionally hitting a vital organ of the body.

03. The parties are present before the Court. We have interacted with them and are convinced that they have willingly decided to put to rest the past including the incident.

04. That being so and considering the age of applicant No.1 and non-applicant Nos.2 and 3 and further considering the fact that there are no criminal antecedents against them, and most importantly the incident having occurred in a spur of moment, it is a fit case where powers under Section 528 of B.N.S. could be invoked.

05. Accordingly, the petition is allowed in terms of prayer clause (a). Nonetheless, considering the role played by the respective persons which required police to spend valuable time in the matter which could have been utilized in other good cause viz. investigating serious offence or preventing some offences, applicant No.1 and non-applicant Nos.2 and 3 shall pay an amount of Rs.25,000/- each and applicant No.2 shall pay an amount of Rs.50,000/- within two weeks from today. Out of the amount so deposited, 50% amount shall be paid to the Government Pleader's Library, High Court of Bombay, Nagpur and 50% shall be paid to the Police Welfare Fund, Nagpur.

(M.M. Nerlikar, J.)

(Anil L. Pansare, J.)

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