



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

CRIMINAL APPLICATION NO.689 OF 2024

1. Adil Khan Ajis Khan, age – 28 years,
Occ. Pharmacist, R/o Sadoba Sawali, Tq.
Arni, Dist. Yavatmal.
2. Shoyab Khan Attaullah Khan, age – 22
years, Occ. Labourer, r/o Sadoba Sawali,
Tq. Arni, Dist. Yavatmal.
3. Rehan Khan Attaullah Khan, age – 20
years, occ. Education, R/o Sadoba
Sawali, Tq. Arni, Dist. Yavatmal.
4. Saif Khan @ Guddu Lala Khan, Age – 19
years, Occ. Education, r/o Sadoba
Sawali, Tq. Arni, Dist. Yavatmal.
5. Syed Wajid Syed Noor, Age – 23 years,
Occ. Education, R/o Sadoba Sawali, Tq.
Arni, Dist. Yavatmal.
6. Nawaj Sharif Ajmal Khan, age – 24
years, Occ. Engineer, Ro Sadoba Sawali,
Tq. Arni, Dist. Yavatmal.
7. Bilal Khan Noor Sharif Khan, Age – 19
years, Occ. Education, r/o Sadoba
Sawali, Tq. Arni, Dist. Yavatmal.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police
Station Officer, Parwa, Tq. Yavatmal,

Dist. Yavatmal.

2. Amol Madhukar Waghmare, age – 34
yrs, Occ. Driver, R/o Sadoba Sawali,
Tq. Arni, Dist. Yavatmal.

... NON-APPLICANT(S).

Shri I. Deshmukh, Advocate a/w Shri Y.K. Dhande, Advocate for the applicants.

Shri N.H. Joshi, Addl.PP for the State.

Shri R.Khan, Advocate for non-applicant no.2.

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

DATE : 06.05.2025.

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

RULE. Rule made returnable forthwith.

2. By this application, the applicants are seeking quashment of charge-sheet bearing Special Case No.57 of 2023 pending before the Additional Sessions Judge, Yavatmal arising out of First Information Report No.116 of 2023 registered with the Parwa Police Station, District Yavatmal for the offence punishable under Sections 323, 143, 147, 504, 506 of the Indian Penal Code and Sections 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 ('the Atrocities Act').

3. Learned Counsel for the applicants and non-applicant no.2 made a joint submission that the parties have settled the matter and non-applicant no. 2 does not want to prosecute the present criminal proceedings.

4. Since the non-applicant no.2 is not interested in prosecuting the criminal proceedings against the applicant, even if the trial is permitted to be conducted, no fruitful purpose would be served and the whole would be futile.

5. However, since the parties set the criminal law in motion and settled the matter only after filing of charge-sheet, the acceptance of settlement shall be subjected to payment of costs. Accordingly, we pass the following order :

- (a) The Criminal Application is allowed.
- (b) Charge-sheet bearing Special Case No.57 of 2023 pending before the Additional Sessions Judge, Yavatmal arising out of First Information Report No.116 of 2023 registered with the Parwa Police Station, District Yavatmal for the offence punishable under Sections 323, 143, 147, 504, 506 of the Indian Penal Code and Sections 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, is hereby quash and set aside, subject to payment of Rs.25,000/- to be paid to the The High Court Nagpur

Employees Association, Nagpur within two weeks from today.

6. Place the matter after summer vacation, for noted the compliance.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

Trupti