



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

CRIMINAL APPLICATION (APL) NO.600 OF 2025

APPLICANT(S) : 1) **Javed s/o Chhotekhan Pathan,**
Aged about 50 years, Occ: Private, R/o
Plot No. 101, Galleria Apartment, Flat No.
302, Rathod Layout, Anantnagar, Katol
Road, Nagpur-440013.

..VERSUS..

NON-APPLICANT(S) : 1) **The State of Maharashtra,**
through Police Station Officer, Police
Station Kapil Nagar, Nagpur.
2) **Rahul s/o Bapurao Dhakate,**
Aged about 33 years, Occ: Service, R/o
Plot No. 53, Rathil Layout, Moti Krishna
Society, in front of Sparsh Hospital,
Zingabai Takli, Nagpur.

Mr. S.P. Sonwane, Advocate for Applicant/s
Mr. D.I. Charlewar, APP for the non-applicant No.1/State
Ms Shiba Thakur, Advocate for the non-applicant No.2.

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

DATE : 5th May, 2025

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

1. Heard.

2. Ms D.I. Charlewar, Addl. PP, waives service of notice
for the non-applicant No.1/State and Ms Shiba Thakur, learned

counsel, waives service of notice for the non-applicant No.2-complainant.

2. Rule. The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. This is an application filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita 2023 read with Section 482 of the CrPC for quashing and setting aside the First Information Report (FIR) No.488 of 2024 dated 19.12.2024, registered with Police Station Kapil Nagar, Nagpur, for the offences punishable under Sections 132, 296 and 351(3) of the Bhartiya Nyaya Sanhita, 2023.

4. Today, the non-applicant No.2 is personally present before this Court and he has been identified by his counsel. The non-applicant No.2 makes a statement that he does not want to proceed with the criminal complaint. The learned counsel for the non-applicant No.2 has pointed out the reply, which is filed on affidavit today, wherein the fact of settlement is stated.

5. Having perused the reply filed by the non-applicant

No.2, wherein he has categorically made a statement that the matter has been settled and he does not want to proceed with the criminal case. In the circumstances, we are of the opinion that even if the trial is permitted to be conducted, the whole exercise would be futile. Such settlement, therefore, can be accepted to unburden the pendency before the trial Court.

6. In that view of the matter, the settlement is accepted and the application is **allowed** in terms of prayer clause (i), which reads thus:

“(i) Allow the application thereby quashing and setting aside the F.I.R. No. 488/2024 registered at Police Station Kapil Nagar, Nagpur under Section 132, 296 and 351 (3) of the Bhartiya Nyaya Sanhita 2023 registered against the applicant on such terms and conditions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and in the interest of justice;”

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)