



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

CRIMINAL APPLICATION (APL) NO.747/2025

1. Manohar S/o Pandurang Yadgire,
aged about 64 Yrs., Occu. Agriculturist.
2. Gaurav S/o Manohar Yadgire,
aged about 33 Yrs., Occu. Agriculturist.
3. Sarangdhar S/o Shankar Yadgire,
aged about 66 Yrs., Occu. Agriculturist.
4. Umesh S/o Sarangdhar Yadgire,
aged about 38 Yrs., Occu. Agriculturist.
5. Manoj S/o Shriram Yadgire,
aged about 41 Yrs., Occu. Agriculturist.
6. Bunty @ Yogesh S/o Sarangdhar Yadgire,
aged about 36 Yrs., Occu. Agriculturist.
7. Sunita W/o Manohar Yadgire,
aged about 58 Yrs., Occu. Housewife.
8. Mayur S/o Manohar Yadgire,
aged about 38 Yrs., Occu. Service.
9. Dinkar @ Dinesh S/o Sargandhar Yadgire,
aged about 48 Yrs., Occu. Agriculturist.

All R/o Tudgaon, Tah. Telhara,
Distt. Akola

... Applicants

- Versus -

1. State of Maharashtra,

through its Police Station Officer,
Police Station, Telhara,
Tah. Telhara, Distt. Akola.

2. Shivdas S/o Shrikrushna Gawande,
aged 45 Yrs., Occu. Agriculturist,
R/o Gajanan Nagar, Telhara,
Tah. Telhara, Distt. Akola.

... Non-applicants

Mr. A.M. Tirukh, Advocate for the applicants.
Mr. A.R. Chutke, A.P.P. for non-applicant No.1/State.
Mr. J.M. Gandhi, Advocate with Mr. U.V. Chakravarty, Advocate
for non-applicant No.2.

CORAM: ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 19.6.2025.

JUDGMENT (Per Anil S. Kilor, J.)

Rule. Rule made returnable forthwith. Heard finally
by consent of learned Advocates for the parties.

2. By the present application, the applicants are praying
for quashing and setting aside the F.I.R. No.06/2025 dated
10.1.2025 registered with Police Station Telhara, Tah. Telhara,
Distt. Akola for the offence punishable under Sections 118(2),

296, 189(2), 191(2), 190, 115(2) and 352 of the Bhartiya Nyaya Sanhita, 2023.

3. The learned Advocate for the applicants and the learned Advocate for the non-applicant No.2 jointly made a statement that the parties have amicably settled the matter and the non-applicant No.2 does not want to prosecute the applicants. Accordingly, an affidavit to that effect has been placed on record sworn by the non-applicant No.2. The same is taken on record. The non-applicant No.2 in the affidavit stated that the applicants and he belong to same caste and they are distant relatives of each other. They want to lead a peaceful life and do not want to indulge in court cases and further they decided to bury the dispute and, therefore, they have settled the matter. The complainant is present in the Court and he has been identified by his Advocate and on interaction, he admits the fact of settlement and further he expressed a desire not to prosecute the applicants.

4. In the aforesaid backdrop, considering the fact that the complainant himself do not want to prosecute the applicants as he has stated so in his affidavit, even if the trial is conducted, in the circumstances, it would lead in the acquittal of the applicants and no fruitful purpose would be served. In other words, in that eventuality, the whole exercise will be proved as futile. In the circumstances, we are of the opinion that in the light of the judgment in case of Gian Singh V/s State of Panjab and another reported in **2012 (10 SCC 303** the application needs to be allowed.

5. Since the parties have set the law in motion and after lapse of long time they arrived at a settlement, therefore, as requested by the learned A.P.P., in this situation, this Court may impose certain costs. We find substance in such request. We direct the applicants to deposit costs of Rs.11,000/- in the account of Ucca Nyayalay Chaturth Shreni Karmachari Sangh, Nagpur as a condition precedent.

6. Accordingly, the application is allowed in terms of prayer clause (i) which reads as follows:-

“(i) quash and set aside the F.I.R. No.06/2025 dated 10.01.2025 for the offence under Sections 118(2), 296, 189(2), 191(2), 190, 115(2), 352 of Bhartiya Nyaya Sanhita, 2023 registered by the respondent No.1-Police Station, Telhara, Tah. Telhara, District-Akola (Annex.A), in the interest of justice.”

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)

Tambaskar.