



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

CRIMINAL APPLICATION (APL) NO.740/2025

1. Manohar S/o Pandurang Yadgire,
aged about 64 Yrs., Occu. Agriculturist.
2. Sargandhar S/o Shankar Yadgire,
aged about 66 Yrs., Occu. Agriculturist.
3. Gaurav S/o Manohar Yadgire,
aged about 33 Yrs., Occu. Agriculturist.
4. Dinesh S/o Manohar 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. Madhuri W/o Shivdas Gawande,
aged about 40 Yrs., Occu. Housewife,
R/o Gajanan Nagar, Telhara,
Tah. Telhara, Distt. Akola.

... Non-applicants

Mr. A.M. Tirukh, Advocate for the applicants.

Mr. Ujwal Phasate, 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 Charge-sheet No.103/2019 dated 4.11.2019 arising out of F.I.R. No.0221/2018 dated 4.8.2018 registered with Police Station Telhara, Distt. Akola for the offence punishable under Sections 307, 143, 147, 323, 504 and 506 of the Indian Penal Code.

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 she 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 she has been identified by her Advocate and on interaction, she admits the fact of settlement and further she expressed a desire not to prosecute the applicants.

4. Though there is a settlement, it cannot be ignored that the offence is registered under Section 307 of the Indian Penal Code which is a serious offence. In the said backdrop, the learned Advocate for the applicants has drawn attention of this Court to the injury certificates which show that there are incised wounds, those are on the arms and below elbow. Further it is submitted that the complainant was hospitalized for 3 days and thereafter she was discharged. It appears that there are injuries

but they are not on the vital parts. Therefore, *prima facie* it is doubtful whether Section 307 of the Indian Penal Code would be attracted in this case. In the said backdrop, considering the fact that the complainant herself does not want to prosecute the applicants as she has stated in her affidavit, even if the trial is conducted, in the circumstances, it would end 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.21,000/- in the account

of Ucca Nyayalay Chaturth Shreni Karmachari Sangh, Nagpur.

Accordingly, the application is allowed in terms of prayer clause

(i) which reads as follows:-

“(i) quash and set aside the charge-sheet No.103/2019 dated 04/11/2019 for the offence under Sections 307, 143, 147, 323, 504, 506 of Indian Penal Code, 1860 arising out of First Information Report No.221/2018 dated 04.08.2018 registered by the respondent No.1-Police Station, Telhara, Tah. Telhara, District-Akola (Annex.A) as well as the Sessions Trial Case No.65/2019 (State V/s. Manohar Yadgire and others) pending before the learned Additional Sessions Judge, Akot, District Akola which has been registered against the applicants pursuant to the filing of chargesheet No.103/2019, in the interest of justice.”

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)