



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

CRIMINAL APPLICATION (APL) NO.742/2025

Madhuri W/o Shivdas Gawande,
aged about 40 Yrs., Occu. Housewife,
R/o Gajanan Nagar, Telhara,
Tah. Telhara, Distt. Akola.

... Applicant

- Versus -

1. State of Maharashtra,
through its Police Station Officer,
Police Station, Telhara,
Tah. Telhara, Distt. Akola.
2. Manohar S/o Pandurang Yadgire,
aged about 64 Yrs., Occu. Agriculturist,
R/o Tudgaon, Tah. Telhara,
Distt. Akola.

... Non-applicants

Mr. J.M. Gandhi, Advocate with Mr. U.V. Chakravarty, Advocate
for the applicant.

Ms. N.R. Tripathi, A.P.P. for non-applicant No.1/State.

Mr. A.M. Tirukh, 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 applicant is praying for quashing and setting aside the Charge-sheet No.2/2019 dated 3.1.2019 arising out of F.I.R. No.0220/2018 dated 3.8.2018 registered with Police Station Telhara, Distt. Akola for the offence punishable under Sections 452 and 309 of the Indian Penal Code.

3. The learned Advocate for the applicant 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 applicant. Accordingly, an affidavit to that effect has been placed on record, sworn by the non-applicant No.2. The same is taken on record.

4. The non-applicant No.2 in the affidavit stated that the applicant 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.

5. 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 applicant.

6. In the aforesaid backdrop, considering the fact that the complainant himself do not want to prosecute the applicant as he stated in his affidavit, even if the trial is conducted, it would result in the acquittal of the applicant 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.

7. Since the parties have set the law in motion, therefore, it is directed that the applicant shall deposit costs of Rs.11,000/- in the account of Uccha Nyayalay Chaturth Shreni

Karmachari Sangh, Nagpur as a condition precedent.

Accordingly, the application is allowed in terms of prayer clause

(i) which reads as follows:-

“(i) quash and set aside the charge-sheet No.2/2019 dated 03/01/2019 for the offence under Sections 452, 309 of Indian Penal Code, 1860 arising out of First Information Report No.220/2018 dated 03.08.2018 registered by the respondent No.1-Police Station, Telhara, Tah. Telhara, District-Akola (Annex.A) as well as the Sessions Trial Case No.48/2023 (State V/s. Madhuri) pending before the learned Additional Sessions Judge, Akot, District Akola which has been registered against the applicant pursuant to the filing of chargesheet No.02/2019, in the interest of justice.”

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)