



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

CRIMINAL APPLICATION (APL) NO.746/2025

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

2. Samadhan S/o Ramchandra Gawande,
aged 60 Yrs., Occu. Agriculturist,
R/o Gajanan Nagar, Telhara,
Tah. Telhara, Distt. Akola.

... Applicants

- Versus -

1. State of Maharashtra,
through its Police Station Officer,
Police Station, Telhara,
Tah. Telhara, Distt. Akola.

2. Radha W/o Dinesh Yadgire,
aged 38 Yrs., Occu. Household,
R/o Tudgaon, Tah. Telhara,
Distt. Akola.

... Non-applicants

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

Ms. Shamsi Haider, 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.)

CRIMINAL APPLICATION (APPP) NO.1189/2025.

Heard. The criminal application for addition of applicant is allowed. The amendment be carried out forthwith.

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2. In view of fact that after filing of the present application, the charge-sheet came to be filed permission is sought to amend the application. Permission is granted. Amendment be carried out forthwith.

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

4. By the present application, the applicants are praying for quashing and setting aside the Charge-sheet No.73/2025 dated 23.5.2025 arising out of F.I.R. No.04/2025 dated 16.1.2025 registered with Police Station Telhara, Tah. Telhara, Distt. Akola for the offence punishable under Sections 74, 76 and 115(2) of Bhartiya Nyaya Sanhita, 2023.

5. 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.

6. 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.

7. 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.

8. In the aforesaid backdrop, considering the fact that the complainant herself does not want to prosecute the applicants as has stated in her affidavit, even if the trial is conducted, it would result 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.

9. Since the parties have set the law in motion and after lapse of long time they arrived at a settlement, therefore, it is directed that the applicants shall deposit costs of Rs.11,000/- in the account of Ucha Nyayalay Chaturth Shreni Karmachari Sangh, Nagpur as a condition precedent.

10. Accordingly, the application is allowed in terms of prayer clause (i) and (i-a) which read as follows:-

“(i) quash and set aside the FIR No.04/2025 dated 06.01.2025 for the offence under Section 74, 115(2) 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.”

“(i-a) quash and set aside the Chargesheet No.73/2025 dated 23.05.2025 for the offence under Sections 74, 76 and 115(2) of Bhartiya Nyaya Sanhita, 2023 as well as R.C.C. No.166/2025 pending before the Court at Telhara, Akola registered by the respondent No.1 – Police Station, Telhara, Tah. Telhara, District-Akola (Annex.B) registered against the present applicants, in the interest of justice.”

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)