



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

CRIMINAL APPLICATION (APL) NO.883 OF 2025

APPLICANTS : 1) Gopal S/o Bapurao Bhelkar, Aged about 64 years, Occu: agriculturist,
2) Dhiraj S/o Gopal Bhelkar, Aged about 25 years, Occu : Service,
Both R/o Ward No.6, Near Durgamata Mandir, Kalmeshwar, Taluka Kalmeshwar, District Nagpur.

..VERSUS..

RESPONDENTS : 1) State of Maharashtra, through Police Station Officer, Police Station, Kalmeshwar, District Nagpur.
2) Gautam S/o Pusaram Patil, Aged about 55 years, Occ. Agriculturist, R/o Plot No.245, Dhammakirtinagar, Nagpur.

Mr. S.R. Kumbhalkar, Advocate for Applicants.
Ms Soniya Thakur, A.P.P. for the Non-applicant No.1/State.
Mr P.S. Tiwari, Advocate for Non-applicant No.2.

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

DATE : 01/07/2025

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

1. Heard.

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

3. The Chargesheet No.250 of 2022, dated 04.10.2022, arising out of First Information Report No.625 of 2022, dated 06.08.2022, registered with Police Station, Kalmeshwar, Dist. Nagpur (Rural), for the offences punishable under Sections 447 read with Section 34 of the Indian Penal Code and Sections 3(1)(f) (g) and 3(2)(5a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, is under challenge in the present application.

4. The learned counsel for the applicants and the learned counsel for the non-applicant No.2 made a joint statement that the parties have settled the matter and now the non-applicant No.2 does not want to prosecute the applicants. The non-applicant No.2 is personally present in the Court and he has been identified by his counsel. On interaction with the non-applicant No.2, he confirms the fact of settlement and further, he states that, he does not want to prosecute the applicants.

5. Considering the nature of allegations and the offence, we are of the opinion that, since the non-applicant No.2 does not want to prosecute the applicants, no purpose will be served even if the trial is conducted. In the circumstances, to save the time of the

Court and to ensure that the entire exercise of conducting the trial does not go to waste or prove futile, we pass the following order :-

- i) The Criminal Application is **allowed**.
- ii) The proceeding namely Special Case No.517 of 2022, pending on the file of learned District Judge-11 and Sessions Judge, Nagpur, arising out of Chargesheet No.250 of 2022, dated 04.10.2022 and First Information Report No.625 of 2022, dated 06.08.2022, registered with Police Station, Kalmeshwar, Dist. Nagpur, for the offences punishable under Sections 447 read with Section 34 of the Indian Penal Code and Sections 3(1)(f)(g) and 3(2)(5a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, is hereby quashed and set aside.

Rule is made absolute in above terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)