



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.1315/2025

Atul Ganesh Katekar
Aged about : 26 years,
Occupation : Private Job
R/o. Pangarkhed, Taluka Mehkar,
District Buldhana - 443303

... APPLICANT

...VERSUS...

- 1) The State of Maharashtra,
Through Police Station Officer,
Police Station Ganeshpeth, Nagpur,
Tahsil and District Nagpur
- 2) Mehfuz Ansari Samiullah Ansari
Aged about 25 years,
Occupation : Civil Engineer
R/o. Near Balsadan Rajnagar, Wani,
Tahsil Wani, District Yavatmal

...NON-APPLICANTS

Shri. Muzammil Shahzad Hussain, Advocate for applicant
Shri N.H. Joshi, APP for non-applicant No.1/State
Shri Ameya C. Funde, Advocate for non-applicant No.2

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

RESERVED ON : 25.09.2025
PRONOUNCED ON : 30.09.2025

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard. **Admit.** Heard finally with the consent of learned Counsel for both the parties.

2. The non-applicant No.2 lodged a report with the non-applicant No.1, alleging therein that in the year 2018, when he was studying in the 2nd year at Tulsiram Gaiakwad Patil College of Engineering, Nagpur, he came in contact with the present applicant and thus was knowing him. Thereafter, the applicant No.2 completed his B.Tech. from Priyadarshani Bhagwati College of Engineering, Nagpur. The applicant herein called him and told that whether he wants to pursue his M.B.A., consequent to which the non-applicant No.2 on 12.07.2025 at about 5:00 p.m. met the applicant at Rahul Hotel and gave original documents to him for the purpose of securing his admission to the said course. It is further stated in the First Information Report, that since 14.07.2025 till 19.08.2025, the non-applicant No.2 told the applicant that he is not intending to take admission to the said M.B.A. course and asked him to return his documents. But the said request of the non-

applicant No.2 was not positively responded by the applicant herein. It is further alleged that on 18.07.2025, the applicant telephonically told non-applicant No.2 that he had given his document to one Tarun Enkantiwar, Vice Principal of Gaikwad Patil College, and assured of their return. It is further alleged that the applicant demanded Rs.15,000/- for returning the said documents. The non-applicant No.2, therefore, lodged a report with the non-applicant No.1 vide First Information Report No. 0375/2025, for the offence punishable under Sections 308(2) and 318 (4) of the BNSS. It is this First Information Report which is impugned in the present application before the Court.

3. Along with the present application, the non-applicant No.2 has filed an affidavit sworn before the notary on 15.09.2025 stating as follows:

“4. That, due to misunderstanding and in the heat of anger on the report the non-applicant No. 2 on 20/08/2025, an offence vide Crime No. 375/2025, punishable under section 318 (4), 308 (2) of BNS was registered against the applicant at Police Station Ganeshpeth, Nagpur.

5. That, the Non-applicant No.2 has amicably settled the dispute with the applicant and remains no grievance against the applicant. Therefore, the non-applicant No. 2 do not want to prosecute the applicant in Crime No.

375/2025, punishable under section 318 (4), 308 (2) of BNS registered with the Police Station Ganeshpeth, Nagpur. The Non-Applicant. No 2 has returned all the documents for which the complaint was lodged by him.”

4. We have verified the applicant as also the non-applicant No.2, who are identified by their respective Counsel.

5. In view of the above, it is crystal clear that the matter has been settled between the parties, even though the offence under Section 308(2) is non bailable. In view of the settlement between the parties as reflected from the record and in view of the dictum laid by the Hon'ble Supreme Court in the judgment of ***Gian Singh Vs. State of Punjab, 2012 (10) SCC 303***, even proceedings in a non-compoundable offence can be quashed by the Court, by resorting to its power under Section 482 of the Criminal Procedure Code.

6. In view of this, we are satisfied that the continuance of proceedings would amount to an abuse of the process of law, and there is no chance of any conviction.

7. Furthermore, no fruitful purpose would be served as it is

clear from the record that the matter was compromised between the parties, and since the offence complained is purely of a personal nature. We, therefore, think this to be a fit case to exercise our inherent power under Section 482 of the Criminal Procedure Code and quash the First Information Report No. 0375/2025. Accordingly, we proceed to pass following order :

ORDER

- i) The application is allowed.
 - ii) The First Information Report No. 0375/2025, for the offence punishable under Sections 308(2), 318(4) of the BNSS, 2023, against the applicant, is hereby quashed.
8. The application is disposed of.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..