



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

CRIMINAL APPLICATION (APL) No.1474 OF 2025

1. Wasudeo s/o. Hanuman Thakare,
Age 40 years, Occupation Business.
2. Mohan s/o. Hanuman Thakare,
Aged about Major, Occupation : Business,

Both applicants R/o. Bhadravati,
Distt. Chandrapur.

: APPLICANTS

...**VERSUS**...

1. State of Maharashtra,
Through Police Station Officer,
Police Station Bhadravati,
Distt. Chandrapur.
2. Shubham s/o. Kishor Rao Chambhare,
Age 36 years, Occu. Nil,
R/o. Rajendra Prasad Ward,
Warora, Distt. Chandrapur.

: RESPONDENTS

Mr. A.C. Jaltare, Advocate for Applicants.

Mr. M.J. Khan, Additional Public Prosecutor for Respondent No.1.

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

RESERVED ON : **09th OCTOBER, 2025.**

PRONOUNCED ON : **04th NOVEMBER, 2025.**

JUDGMENT : (Per : Nandesh S. Deshpande, J.)

1. Heard. Admit. Heard finally by consent of learned

counsel appearing for the parties.

2. The present application is filed by the applicants for quashing and setting aside First Information Report bearing Crime No.0272/2025, registered with Police Station Bhadravati, District Chandrapur, for the offences punishable under Sections 351(2), 308(2), 3(5) and 296 of the Bharatiya Nyaya Sanhita, 2023.

3. By way of said First Information Report the respondent No.2 and his one friend Gitesh Satpute was granted allotment of a sand bed for the purpose of excavation of sand and managing the operations connected thereto. The partner of the applicants namely, Gitesh Satpute had appointed respondent No.2 to oversee the said work. It is further alleged in the First Information Report that while on 4.6.2025 while the sand excavation work was in progress the applicant No.2 arrived at the site and started abusing respondent No.2 as well as other workmen were present. The reason for such conduct was allegedly the fact that the applicant No.1 who happens to be the brother of applicant No.2 had previously been engaged in the sand excavation in the said location and since no allotment of the said jetty was made, in his favour objection was taken for the going operations. In the debate which ensued respondent No.2 replied to the applicant No.2 that if he desire to extract sand, he would firstly require to obtain due

permission from the appropriate authority. The applicant No.2 allegedly abused and proceeded to issue threats to the respondent No.2 and other persons present. It is also alleged that the applicants herein demanded extortion money from the respondent No.2. On the basis of these allegations and First Information Report bearing No.0272/2025 was lodged.

4. We have heard Mr. A.C. Jaltare, learned counsel for the applicants and Mr. M.J.Khan, learned Additional Public Prosecutor for the respondent No.1/State.

5. Mr. A.C. Jaltare, learned counsel for the applicants submits that during the pendency of the present application the applicants on one hand and the respondent No.2 on the other have amicably settled the matter and accordingly a joint affidavit is filed on record. The parties i.e. applicant No.1 and respondent No.2 were present before this Court on 9.10.2025, we have verified the contents of the said affidavit from them and they have been identified by their respective counsel.

6. Mr. M.J. Khan, learned Additional Public Prosecutor for the respondent No.1, however, opposed the said contentions.

7. We have perused the material placed on record. The terms of settlement on behalf of respondent No.2 and the applicants

have been filed on record in which they, on affidavit have stated as under :

(2) That, after deliberation and negotiations, the applicants as well as the respondent No.2 were able to amicably settle the dispute between them.

(3) That the dispute between the parties pertains to an outcome of a professional animosity as the applicants and the respondent No.2 used to work together in the same field/profession and that thereafter due to certain differences they started working separately.

(4) It is also submitted that the applicants and the respondent No.2 have now realized that since they work in the same profession, having professional animosity between them would only result in loss of reputation and work and hence they have started working together.

(5) That all the disputes between the parties have been amicably settled and that the respondent No.2 does not wish to prosecute the matter any further as he no longer has any grudges against the applicants.

8. In that view of the matter, in our view, no fruitful purpose would be served by continuing the said criminal prosecution against the applicants. In view of the decision of the Hon'ble Apex in the case of **Gian Singh Vs. State of Punjab and another**, reported in **MANU/SC/0781/2012**, is relevant herein, wherein it is observed that "*Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and victim has been settled, although offences are not compoundable, it does so as in its opinion,*

continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.” In this regard a specific reference was made to the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable.” It would be, therefore, be a fit case to exercise jurisdiction under Section 482 of the Criminal Procedure Code to quash the First Information Report.

9. However, the entire Police machinery and Court machinery is used and they have to spare their time for investigation and for the trial. In view of that, the application deserves to be allowed. Hence, we proceed to pass following order :

ORDER

(i) The application is allowed on the condition that the applicants shall pay Rs.5,000/- as costs and respondent No.2 shall pay Rs.5,000/- as costs. Both applicants and respondent No.2 shall deposit the costs with the High Court Bar

Association Library, High Court, Nagpur within two working weeks and compliance be reported to this Court.

(ii) The First Information Report bearing Crime No.0272/2025, registered with Police Station Bhadravati, District Chandrapur, for the offences punishable under Sections 351(2), 308(2), 3(5) and 296 of the Bharatiya Nyaya Sanhita, 2023 is quashed and set aside.

(iii) The application is disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

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