
(2022) 05 BOM CK 0043

In the Bombay High Court

Case No : Criminal Application (APL) No. 693 Of 2022

Dinesh Dashrath Ranekar

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 06-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 294, 323, 324, 506

Citation : (2022) 05 BOM CK 0043

Hon'ble Judges : V. M. Deshpande, J; Amit B. Borkar, J

Bench : Division Bench

Advocate : Ayushi H. Dangre, S. S. Doifode, Sandip Singh

Final Decision : Allowed

Judgement

Amit B. Borkar, J

1. Heard.
2. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.
3. By this application under Section 482 of the Code of Criminal Procedure, the applicant is challenging registration of the First Information Report (FIR) No. 68/2010, dated 10.05.2010 for the offence punishable under Sections 324, 294, 506, 323 of the Indian Penal Code and charge-sheet No. 103/2010, dated 05.09.2010 and consequent Regular Criminal Case No. 2650/2010 pending before the 16th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Corporation Court No. 2, Nagpur.
4. The FIR came to be registered against the applicant with accusation that the applicant assaulted the non-applicant no. 2 with paper weight. The Investigating Agency completed the investigation and filed charge-sheet against the applicant. During the pendency of the proceedings, the applicant and the non-applicant nos. 2 and 3 amicably resolved their dispute as they are relatives. The non-

applicant nos. 2 and 3 are present in the Court and stated that they have no objection in quashing the proceedings against the applicant. In addition to that, the non-applicant nos. 2 and 3 also filed their affidavit stating that they have no objection if the proceedings are quashed against the applicant.

5. We have carefully considered the allegations in the FIR alongwith material in the form of charge-sheet. We are satisfied that ingredients of the offence alleged against the applicant, even if allegations are taken at face value, are not fulfilled. The Hon'ble Apex Court in the case of Narinder Singh Vs. State of Punjab [(2014) 6 SCC 466] makes it clear that Court cannot decline to quash criminal case in which FIR incorporates a particular provision, which is a serious offence or an offence against the society. The Court shall make all endeavor whether the FIR indeed discloses the ingredient of such offence and Court can accept the settlement and quash the FIR if the Court is of the opinion that such offence is unnecessarily incorporated in the FIR.

6. In view of the amicable settlement and resolution of dispute between the parties, there is no impediment in quashing of the FIR against the applicant. We are satisfied that the applicant has made out a case for quashment of the proceedings. We, therefore, pass the following order:-

i) The application is allowed.

ii) Rule is made absolute in terms of prayer clause (i), which reads as under :-

“(i) Quash (A) First Information Report No. 68/2010, dated 10/05/2010 for the offence punishable under Section 324, 294, 506, 323 of the Indian Penal Code, 1860, registered by non-applicant No. 1 police authority (Annex-1) and (B) Charge Sheet No. 103/2010, dated 05/09/2010 for the offence punishable under Section 324, 294, 506, 323 of the Indian Penal Code, 1860 submitted by non-applicant No. 1 police authority (Annex-2) and (C) Proceeding viz. Regular Criminal Case No. 2650/2010, (State Vs. Dinesh) pending before the Hon'ble 16th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Corporation Court No. 2, Nagpur (Annex-2), in view of aforesaid facts and in the interest of justice;”