

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.139 of 2015

* Sayyed Nasiruddin Quadri)
S/o Sayyed Hussain Quadri,)
Age 47 years,)
Occupation : Business,)
R/o Azam Colony, Roshan Gate,)
Aurangabad.) **.. Applicant.**

Versus

1) The State of Maharashtra.)
)
2) Quadri Sayyed Tabishoddin)
S/o Fasiuddin,)
Age 31 years,)
Occupation : Business,)
R/o Azam Colony, Roshan Gate,)
Aurangabad.)
)
3) Sayeda Badar Jahan W/o)
Fasiuddin Quadri,)
Age 50 years,)
occupation : Household,)
R/o Azam Colony, Roshan Gate,)
Aurangabad.) **.. Respondents.**

Shri. Mujtaba Gulam Mustafa, Advocate, for applicant.

Shri. B.L. Dhus, Additional Public Prosecutor, for
respondent No.1.

Smt. Sabahat T. Kazi, Advocate, for respondent Nos.2 & 3.

**CORAM: T.V. NALAWADE &
Smt. I.K. JAIN, JJ.**

DATE : 25th MARCH 2015

JUDGMENT:

1) Rule, rule made returnable forth. Heard both the sides for final disposal. The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of proceedings of RCC No.168/2014 and RCC No.798/2014 pending in the Court of the Chief Judicial Magistrate Aurangabad. Both the sides are heard.

2) The applicant is the brother of respondent No.3 and the maternal uncle of respondent No.2. There was some dispute in respect of immovable property between the applicant and respondent No.3. Then both the sides had given reports against each other. Respondent No.2 had given report on the basis of which crime was registered for offences punishable under sections 307, 323, 427, 34 of the Indian Penal Code against the applicant in Kranti Chowk Police Station Aurangabad at CR No I-359/2013. On the basis of the report given by the applicant crime was registered in City Chowk Police

Station Aurangabad at CR No.42/2014 for offence punishable under sections 420, 409, 471, 467 etc. of the Indian Penal Code. Criminal Application No.2590 of 2014 was filed by present respondent No.3 in this Court and order was made by this Court to refer the dispute to mediator. The said proceeding was filed for quashing the proceeding filed against respondent No.3 Sayeda Badar Jahan. Settlement took place and both the sides decided to withdraw the cases against each other. Accordingly, application was moved before the Judicial Magistrate. But the learned Magistrate refused to pass orders as the crime was registered for offence under section 307 of the Indian Penal Code and it was non compoundable. So, the present proceeding came to be filed.

3) In Criminal Application No.2590 of 2014 report/ FIR given in CR No.42/2014 filed against present respondent No.3 is quashed and set aside. Now the other Crime filed against applicant is under consideration. Both the sides submitted that they have settled the dispute and submission was made that they want that the remaining FIR registered for offence under section 307 IPC also

needs to be quashed and set aside. This Court has gone through the copy of the injury certificate. It shows that there was one incised wound but it was simple and there were other injuries like three blunt traumas. In view of nature of injuries and the relationship between the parties, this Court holds that power under section 482 of the Code of Criminal Procedure needs to be exercised. Continuation of the said proceeding is unnecessary and nothing can be achieved by allowing the said proceeding to continue.

4) In the result, the application is allowed. First Information Report No.I-359/2013 and the case filed in the said FIR for offences punishable under sections 307, 323, 427, 34 of the Indian Penal Code are quashed and set aside. Rule is made absolute in those terms.

Sd/-
(Smt. I.K. JAIN, J.)

Sd/-
(T.V. NALAWADE, J.)

rs1