

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 751 OF 2015

Babasaheb S/o Nivruti Bhandge,
Age 44 years, Occ. Service,
R/o. House No.8, Tirupati Nagar,
Garkhedaparisar, Aurangabad.

....Applicant.

Versus

- 1) The State of Maharashtra.
- 2) Ambadas S/o Govardhan Rathod,
Age 40 years, Occ. Agriculture,
R/o. Varzadi Tanda No.1,
Taluka and District Aurangabad.
- 3) Ankush S/o Sudam Rathod,
Age 29 years, Occ. Labour,
R/o. Varzadi Tanda No.1,
Aurangabad.

....Respondents.

Mr. R. A. Jaiswal h/f. Mr. N. S. Ghanekar, Advocate for applicant.

Mr. S. B. Pulkundwar, APP for respondent No.1.

Mr. S.S. Londhe, Advocate for respondent Nos.2 & 3.

**CORAM : T.V. NALWADE &
SMT. I.K. JAIN, JJ.**
DATED : 27th March, 2015.

JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal. Heard the learned counsel appointed by the complainant.

2. The proceeding is filed under section 482 of Cr.P.C. for quashing of the proceeding of Sessions Case No. 192/2013 which is presently pending before the Adhoc Additional Sessions Judge, Aurangabad. The case is filed against the applicant for the offence punishable under section 307 of I.P.C.

3. Complainant Ambadas Rathod has made allegations in the F.I.R. that in one incident dated 26.7.2012 at about 6.00 p.m. he noticed that in front of the entrance gate of company namely Alien Components Private Limited fighting was going on between Ankush Sudam Rathod and Babasaheb Nivrutti Bandge. He informed that Babasaheb Bandge used the weapon like cutter and gave blows on the chest of Ankush. He contended that he held Babasaheb and he saved Ankush. Ankush had become unconscious and he was shifted to the hospital. Ankush sustained two incised wounds in the incident which are described as simple. Affidavit is filed of Ankush and Ambadas that they had settled the dispute and they want that the case be closed. They have given no objection for quashing of the case. Ankush is identified by his advocate and he made submissions in accordance with the settlement terms. Reliance was placed on some reported cases like **2014 (6) SCC 466 [Narinder Singh & Ors. Vs. State of Punjab and Anr.]** and **2014 CRI.L.J.**

3935 [Yogendra Yadav and Ors. Vs. The State of Jharkhand and Anr.]. The Apex Court has observed that though the offence punishable under sections 326 or 307 of I.P.C. are not compoundable, if the parties have settled the dispute and they want to live peacefully and the incident had taken place out of some private dispute, the power under section 482 of Cr.P.C. needs to be used and the proceeding can be quashed. In view of these circumstances, this Court holds that in the present case, the power under section 482 of Cr.P.C. needs to be exercised.

4. In the result, the application is allowed and Sessions Case No. 192/2013 pending before the Ad-hoc Additional Sessions Judge, Aurangabad is hereby quashed and set aside.

Rule is made absolute in aforesaid terms.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/