

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1489 OF 2015

SANTOSH S/O KARBHARI TODKAR
VERSUS
THE STATE OF MAHARASHTRA & ANOHTER

...

Advocate for Applicant : Mr. S.S. Thombre
APP for respondent No.1 : Mr. B.L. Dhas
Advocate for respondent No.2 : Mr. S.B. Solanke.

CORAM : S.S. SHINDE & A.M. BADAR, JJ.
DATE : 27th AUGUST, 2015.

PER COURT:

1] Heard.

2] By this application under Section 482 of the Code of Criminal Procedure, the applicant/original accused is praying for quashing and setting aside the charge sheet bearing No. 25 of 2015, which is now registered as RCC No. 360 of 2015, for the offence punishable under Section 324 of IPC, pending before the learned 12th JMFC (Railways), Aurangabad.

3] We have heard learned counsel appearing for the applicant/original accused, learned APP for the State as well as Shri Salunke, learned counsel appearing for the respondent No.2/original informant Vitthal Ramhari Jadhav.

4] The crime in question came to be registered on the basis of the report lodged by Vitthal Ramhari Jadhav, wherein, he has stated that on

12.7.2015, at about 8.30 pm., he and petitioner/original accused Santosh Todkar, had been to a beer bar. There they had dispute over the issue of making payment of bill and for that reason, the petitioner gave a blow of bottle of thumps up on his head causing injury to him. The charge sheet placed on record shows that respondent No.2 Vitthal Jadhav sustained incised wound on face and on forehead.

5] Though initially, offence was registered under Section 307 of IPC, after causing investigation, charge sheet came to be filed for the offence punishable under Section 324 of IPC and same is pending before the learned JMFC, Aurangabad.

6] Today, the petitioner/original accused as well as respondent No.2/informant are present before the Court. Both of them are identified by their respective counsel. Upon being questioned, respondent No.2 - Vitthal Jadhav has reported us that he is a friend of applicant/original accused and the quarrel in question arose at a spur of moment. Respondent No.2 Vitthal Jadhav is praying that the FIR, as well as the charge sheet and resultant Regular Criminal Case be quashed as he wants to maintain harmonious relations with present petitioner.

7] It is well settled that inherent powers of the Court are required to be exercised for securing the ends of justice. In the case in hand, obviously, the prosecuting party as well as accused were good friends and they want to continue their friendship. The alleged offence is for causing

hurt with dangerous weapon and now, they want to settle the dispute for ever.

8] Our attention is also drawn to the affidavit filed on record by the respondent No.2/informant wherein he has stated that to maintain cordial relationship between him and the petitioner, considering their friendship, the FIR and resultant prosecution may be quashed.

9] Considering the nature of the offence and the object of both the parties to maintain harmonious relationship, we are of the opinion that the application deserves to be allowed as continuation of prosecution in such set of facts would be totally futile. As such the order :-

[A] The application is allowed and disposed of.

[b] The FIR No.271 of 2014, Charge sheet bearing No.25/2015 and resultant RCC No. 360 of 2015, between the parties for the offence punishable under Section 324 of IPC, pending on the file of 12th JMFC (Railways) is quashed and set aside.

[A.M. BADAR]
JUDGE

[S.S. SHINDE]
JUDGE.

grt/-