

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

CRIMINAL APPLICATION NO.2101 OF 2015

Shoeb s/o Aslam Momin ... PETITIONER

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. Shaikh M.A. Jahagirdar, Advocate for applicant
Mr. S.B. Pulkundwar, A.P.P. for respondent No.1
Mr. K.N. Shermale, Advocate for respondent No.2
.....

CORAM: S.S. SHINDE AND
 A.I.S. CHEEMA, JJ.

DATED: 9th July, 2015.

ORAL ORDER :

1. This application is filed by the original accused taking exception to the F.I.R. in C.R.No.28/2015, registered with Ambhora Police Station, Taluka Ashti, District Beed on 20/3/2015 for offences punishable under Sections 326, 354(A), 504 read with Section 34 of the Indian Penal Code.

2. In pursuance to the notices issued to the respondents, the respondent No.2 has filed affidavit-in-reply on 26/6/2015. Paragraphs No.2 and 3 of the said affidavit-in-reply read thus :

“2. I say and submit that after lodging of the report, the applicant came with the elder members of the village and requested to settle the dispute as there was no intention or enmity between us. The elder members of the village also requested to settle the matter.

3. I say and submit that the report lodged by me was out of misunderstanding and now the elder members of the village have decided to settle the matter. The criminal application of the applicant therefore may be allowed in terms of settlement arrived between us. Now I do not have any complaint against the applicant and other three persons with the applicant. I also do not have any objection to quash and set aside the report lodged by me against them.”

3. The learned A.P.P. appearing for the State has made available investigation papers for our perusal. We have perused the said investigation papers and also the medico-legal injury certificate of the complainant. It appears that, he sustained grievous injury on right leg. Taking into consideration overall circumstances appearing in the matter and in particular incident taken place on road, it may not be desirable to quash the F.I.R. on the basis of settlement.

4. We have also considered the prayer of the applicant on merits. However, upon perusal of the allegations in the F.I.R. and the investigation papers, we are not inclined to entertain the prayer even on merits. In that view of the matter, the application stands rejected.

(A.I.S. CHEEMA, J.)

(S.S. SHINDE, J.)

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