

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2347 OF 2015

SANJAY S/O KHANDU CHAVAN
VERSUS
THE STATE OF MAHARASHTRA & ANR

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Advocate for Applicant : Mr. Sagade B.G.
APP for Respondent/State : Mr. A.V. Deshmukh
Advocate for Respondent no.2 : Mr. U.B. Kale

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.
Dated: June 11, 2015

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PER COURT :-

This application is filed praying therein for quashing charge-sheet filed against the applicant on the basis of crime No. I-01/2009 dated 02.01.2009 registered with Police Station, Phulambri, Dist. Aurangabad.

2. Respondent No.2 i.e. original complainant has filed affidavit on 5th May, 2015. The present applicant has also filed affidavit in continuation of the application. In the affidavits filed by respondent no.2 and the affidavit of the applicant, it is stated that, the applicant and respondent no.2 are real brothers interse and considering relationship between the applicant and respondent no.2, respondent no.2 does not want to proceed further with the criminal case.

3. The learned counsel appearing for the applicant and the learned counsel appearing for Respondent No.2

jointly submit that, since the offence punishable under Section 324 of I.P. Code is not compoundable this application is filed under Section 482 of the Criminal Procedure Code for quashing the charge-sheet. It is submitted that, already the evidence of the complainant is recorded by the trial Court, however, since the offence punishable under Section 324 of I.P. Code is not compoundable before the trial Court, the parties have approached this Court.

4. Complainant - Raosaheb Khandu Chavan and applicant - Sanjay Khandu Chavan are present before this Court. On specific query to the complainant whether the settlement/compromise arrived at between the applicant and him is a result of coercion or otherwise, he stated that, the compromise is arrived at between the parties without any coercion. The contents of the affidavit are also made with free will and without any coercion. Since the applicant and respondent no.2 are real brothers, they have decided to settle the dispute so as to have cordial relations with each other. The applicant is also present before this Court. On interacting with him, he assures this Court that, henceforth, he will not indulge in such offence.

5. The Supreme Court in the case of ***Gian Singh V/s. State of Punjab and another***¹ held that, the settlement can be accepted in order to meet ends of justice or to avoid the abuse of process of Courts. Upon considering

1. 2012 (10) SC 303;

the material placed on record, we are of the opinion that, the compromise/settlement deserves to be accepted keeping in view the relations between the applicant and respondent no.2 and in order to avoid further wastage of time since further proceeding would be an exercise in futility in view of the fact that, the applicant and respondent no.2 have amicably settled the dispute.

6. We have also perused the injury certificate. The complainant has sustained only one simple injury.

7. For the reasons aforesaid, the application is allowed in terms of prayer clauses 'D' and 'E' accordingly. In the result, the proceedings pending before the trial Court i.e. Criminal Case bearing R.C.C. No. 81/2009 (State V/s Sanjay) stands quashed. The application is allowed to the above extent.

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

(S.S. SHINDE, J.)

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sga/-