

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

CRIMINAL APPLICATION NO.3463 OF 2015

1. Sundar Bhanudas Khose
Age 41 years, Occ. Agriculture

2. Anil Vikram Khose,
Age 24 years, Occ. Agriculture,

Both R/o Tandalwadi Ghat,
Taluka and District Beed.

(At present in magisterial custody
in District Prison, Beed)

... APPLICANTS

VERSUS

1. The State of Maharashtra
through Police Station, Neknoor,
District Beed

(Copy to be served on
Public Prosecutor, High Court of
Bombay, Bench at Aurangabad)

2. Shrikrushna Eknath Bhagade,
Age 32 years, Occ. Agriculture,
R/o Tandalwadi Ghat,
Taluka and District Beed.

... RESPONDENTS

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Shri S.J. Salunke, Advocate for applicants
Shri S.D. Kaldate, A.P.P. for respondent No.1
Shri S.A. Wakure, Advocate for respondent No.2

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

DATED: 13th August, 2015.

ORAL JUDGMENT (Per S.S. Shinde, J.):

1. Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel appearing for the parties.

2. This application is filed praying therein for quashing the F.I.R. i.e. Crime No.55/2015, registered on 11.6.2015 at Neknoor Police Station, District Beed for the offence punishable under sections 307, 452, 504, 506 read with Section 34 of the Indian Penal Code. The applicants have filed this application on the backdrop that the complainant and applicants have amicably settled the dispute and differences between them, with the intervention of elderly persons from the village and also that the applicants and respondent No.2 are close relatives. In pursuance to the notice issued to the respondent No.2, the respondent No.2 has filed the affidavit. The contents of para Nos.1 to 5 of the said affidavit-in-reply read thus :

“1. I have lodged the report against the applicants and the Crime was registered against them vide Crime No.55/2015 dated 11/6/2015 registered at Police Station, Neknoor, Dist. Beed for the offences punishable u/sec. 307, 452, 504, 506, 34 of I.P.C.

2. The differences between me and the accused are buried now and we have compromised the matter with the intervention of wise villagers and our family members.

3. I have no ill will or hatred against the accused or against any other person. The accused has also no grudge or ill will against me. We had the relations from generations and to maintain the good relations and harmony, I don't want to continue the prosecution of the accused persons initiated on my information.

4. The compounding of the offence and consequent quashing of F.I.R. will keep our relations in good terms. Our future generations will also have good relations and families also.

5. The accused are my close relatives. The father of applicant No.1 Sundar namely Bhanudas is the maternal uncle of my father. Applicant No.2 is the real nephew of applicant No.1 Sundar. Applicant No.1 Sundar is my brother-in-law. The cousin sister of mine namely Gandhari is the wife of Sundar. The niece of Sundar namely Bhagyashree is the wife of my real brother namely Dnyaneshwar. Since our forefathers we had close relations with each other.”

3. In the light of averments in para Nos.1 to 5 of the affidavit-in-reply filed by the respondent No.2, the respondent N.2, in para No.6 has prayed for quashing the F.I.R. on the basis of settlement arrived between the applicants and respondent No.2.

4. The applicants have also filed the affidavit. In the said affidavit, it is stated that the applicant No.2 Anil is nephew of applicant No.1 and complainant is brother-in-law of applicant No.1. Upon perusal of the averments in the affidavit filed by the applicants and also the respondent No.2, it appears that they have good relations. The parties appeared before the Registrar (Judicial). The Registrar (Judicial) has verified the contents of affidavit filed by the parties and also sought identity proof and then submitted report of verification of the contents of the affidavit and the identification of the parties.

5. In the peculiar facts of this case, keeping in view the relations between the parties, and the fact that the elderly persons intervened in the matter, and the respondent No.2, without any coercion or pressure, has entered into compromise/settlement so as to maintain good relations and harmony and also the applicants have also assured that henceforth they will not indulge into alleged commission of offence, and the charge sheet is not yet filed, and the fact that the injuries sustained by the respondent No.2 are simple in nature, on non-vital parts of the body, it does not appear to be a case of Section 307 of the Indian Penal Code and as such, keeping in view the observations

of the Supreme Court in the case of **Narinder Singh and others Vs. State of Punjab and another**, reported in **(2014) 6 SCC 466 : [2014 ALL MR (Cri) 1886 (S.C.)]**, and also in the case of **Gian Singh Vs. State of Punjab & anr.** reported in **(2012) 10 SCC 303**, in order to secure ends of justice and prevent abuse of the process of Court, the application deserves to be allowed in terms of prayer clause (C). Accordingly, in the peculiar facts and circumstances of the case the application is allowed in terms of prayer clause (C). Rule made absolute accordingly. Application stands disposed of.

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

(S.S. SHINDE, J.)