

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5169 OF 2015

**Aref S/o Ayyub Pathan and others Vs. The State of
Maharashtra and another.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.Ashpak Taher Patel, advocate for the Applicants.
Mr.A.G.Magare, A.P.P for the State.
Mr.Samir S.Shaikh, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
V.K.JADHAV, JJ.**
Date : 10.12.2015.

PER COURT :

1. Heard.
2. The present application is filed for quashing of Sessions Case No.224/2014, pending against the applicants for the offence punishable U/ss. 307, 323, 354, 452, 143, 147, 149, 504, 506 read with Section 34 of the I.P.C registered with Sillod Rural Police Station, Tq.Sillod, Dist.Aurangabad. Mr. Patel, learned counsel submits that the charge-sheet even if taken as it is, it does not disclose commission of offence U/s 307 and/or U/s 354 of the I.P.C. According to the learned counsel, the accused and the complainant are neighbours and actually there was a dispute

regarding boundaries. The parties have settled their dispute. Learned counsel appears for the complainant and accepts that the dispute has been settled. Even the other injured persons who are father and the mother of the complainant have also filed their affidavit accepting the fact that the matter is settled between them. The complainant, soalso injured father and mother of the complainant are present in the Court. They accept filing of the affidavit and the contents of the affidavit. They are identified by their advocates.

3. We have also perused the complaint and the injury certificates. All injuries are simple in nature. There are remote chances of conviction U/ss 307, 323, 354, 452, 143, 147, 149, 504, 506 read with Section 34 of the I.P.C registered with Sillod Rural Police Station, Tq.Sillod, Dist.Aurangabad. The parties appear to be neighbours and the dispute was with regard to the boundaries. So also to maintain peace and harmony, so also cordial relations, the matter is settled by the parties. Considering the fact that the chances of conviction U/ss 307, 323, 354, 452, 143, 147, 149, 504, 506 read with Section 34 of the I.P.C registered with Sillod Rural Police Station, Tq.Sillod, Dist.Aurangabad, is remote and the injuries are also simple in nature, we accept the settlement.

4. In light of the above, Sessions Case No.224/2014, pending before the Sessions Judge, Aurangabad, for offence U/ss. 307, 323,

354, 452, 143, 147, 149, 504, 506 read with Section 34 of the I.P.C registered with Sillod Rural Police Station, Tq. Sillod, Dist. Aurangabad, is quashed and set aside.

5. The Criminal application is allowed. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt. 10.12.2015.

asp/office/Criapp5169.15

