

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5196 OF 2015

AZHAR ALI KHURSHID ALI
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicant : Mr. Shaikh Altamash Abdul
APP for Respondent/State : Mr. M. M. Nerlikar
Advocate for Respondent No. 2 : Mr. Shaikh Ashpak Taher Patel

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

DATED : 26th NOVEMBER, 2015

P.C. :-

1. Mr. Shaikh, the learned counsel for the applicant submits that though the complaint is filed invoking offence punishable under Sections 307, 325 of the Indian Penal Code, the injuries sustained are only simple in nature. According to the learned counsel, the applicant and respondent No. 2 know each other. To maintain peace and harmony, the applicant and the complainant have settled the matter.

2. Mr. Patel, learned counsel for respondent No. 2 accepts that the affidavit has been filed stating that the parties have settled the matter. Respondent No. 2 is present in the Court. He accepts the contents of the affidavit. Respondent No. 2 is identified by his

Advocate Mr. Patel. We have considered the injuries sustained. The injuries are contusions. The Doctor has certified that the said injuries are simple in nature. There is remote possibility of conviction under Section 307 of I.P.C. To maintain peace, harmony and cordial relations, the applicants have settled the matter. We accept the same considering the aforesaid facts. Even the injured witness had also filed his affidavit.

3. In light of the above, the F.I.R. in Crime No. I-241/2011 for the offences punishable under Section 307, 325, 323, 504, 506 and 34 of I.P.C. registered with City Chowk Police Station, Aurangabad, is quashed and set aside. The Sessions Case No. 85 of 2012 pending before the Sessions Judge, Aurangabad is also quashed and set aside.

4. The Criminal Application is accordingly disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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