

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5404 OF 2015

AZHAR S/O ABDUL GAFAR QURESHI AND ORS
VERSUS
THE STATE OF MAHARASHTRA & ORS

...
Advocate for Applicants : Mr. Salunke Sudarshan J
APP for Respondent No.1: Mr. M.M. Nerlikar
Advocate for Respondents 2 to 4 : Mr. S.B. Wakure
.....

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

DATED : 18th NOVEMBER, 2015

P.C. :-

1. Present application is filed for quashing of F.I.R. No. 18 of 2015 dated 3.2.2015 registered with Majalgaon (Rural) police station, district Beed, for the offences punishable under sections 307, 324, 323, 504, 506 r.w. 34 of I.P.C.

2. Mr. Salunke, the learned counsel submits that the parties have amicably settled the matter. A quarrel took place between the parties on a minor issue at the spur of moment. The injuries sustained are such, which in ordinary course, would not cause death. As such Section 307 is not attracted. Learned counsel submits that respondent Nos. 2 to 4 and the present applicants are neighbours. They have amicably settled the matter so as to maintain peace,

harmony and cordial relations.

3. Mr. Wakure, learned counsel submits that the affidavit has been verified and contents of the affidavit are read over to respondent Nos.2 to 4 and they have settled the matter. We have also heard the learned A.P.P.

4. Respondent Nos. 2 to 4 are present before the Court. They admit the contents of the affidavit. They are identified by their advocate Mr. Wakure.

5. The offence under Section 307 of I.P.C. is an offence of heinous nature. By and large the offence is against the society. The Apex Court in the case of ***Narinder Singh and Ors. Vs. State of Punjab and another, reported in (2014) 6 SCC 466*** has laid the parameters and guidelines while accepting the settlement in the offence under Section 307 of I.P.C. The said view is also further considered by the Apex Court in the judgment delivered in the case of *Yogenda Singh vs. State of Jharkhand, reported in (2014) 9 SCC 653*.

6. In the present case, the parties have not yet adduced the evidence and charge sheet is filed. As per the judgments of the

Apex Court, the Court can show benevolence in accepting the settlement if the same is after filing of charge sheet and before adducing evidence. It is also laid down that nature of injuries are required to be considered so also whether the offence is against the individuals.

7. It would appear that on a very minor issue a quarrel had taken place between the parties i.e. non giving cigarette on credit and in the spur of moment the scuffle broke out between the parties, in which injuries are sustained. The parties are neighbours. The affidavit shows that to maintain the cordial relations, peace and harmony, the parties have settled the matter. It was individually between the present respondents and the applicants. Considering the aforesaid aspects of the matter, we are inclined to entertain the present application.

8. In the result, we pass the following order:-

O R D E R

- I. F.I.R. No.18 of 2015 dated 3.2.2015 registered at Majalgaon (Rural) police station, district Beed for the offences punishable under sections 307, 324, 323, 504,

506 r.w. 34 of I.P.C. is quashed.

II. The applicants shall pay costs of Rs.20,000/- (Rupees Twenty thousand only) to the State within a period of four weeks from today.

III. Criminal application is disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/