

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

CRIMINAL APPLICATION NO. 6479 OF 2015

AMOL S/O ANIL TAMBE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

...
Advocate for Applicant : Mr Y K Bobade
APP for Respondents: Mr S P Deshmukh
Advocate for Respondent 2 : Mr A B Shinde

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: December 09, 2015

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PER COURT :-

1. Present application is filed for quashing of the First Information Report registered against the present applicant for the offence punishable under section 307 read with section 34 of the Indian Penal Code.
2. The learned counsel for the applicant submits that, offence under section 307 is not attracted at all. The alleged injuries sustained are simple injuries. Even the incident had not taken place.
3. Learned counsel for applicant and respondent no.2 further submits that, the parties have settled the matter. Respondent no.2 has filed affidavit stating that the applicant was not present at the time of the incident and as they both are students, for maintenance of good and harmonious

relations in future, they have settled the matter. The complainant is present in the court. He admits the contents of the affidavit. He is identified by his Advocate.

4. We have seen the injury certificate. Injury certificate shows the injuries sustained by the complainant as simple injuries. The chance of conviction under section 307 are also remote. Further it is submitted in the affidavit by the respondent/complainant that present applicant was not present on the scene of offence.

5. Considering the aforesaid aspects of the matter, and the fact that chance of conviction against the present applicant under section 307 is remote and further that the present applicant and respondent no.2 both are students, we accept said settlement.

6. In light of the above, First Information Report bearing Crime No.I-783/2015 registered with Mukundwadi Police Station, Aurangabad for the offence punishable u/s 307 read with section 34 of the Indian Penal Code to the extent of present applicant is quashed and set aside. The applicant and respondent no.2 shall deposit Rs.5,000/- (Rs. Five Thousand only) with the office of respondent No.1.

7. Criminal Application stands disposed of.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-