

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

CRIMINAL APPLICATION NO. 1897 OF 2016

1. Krushna s/o Dnyandeo Chemte
age 21 years, occ. Education
r/o Ranegaon Shingori
Tq. Shevgaon,
Dist. Ahmednagar.
2. Baliram s/o Dnyandev Chemte
age 24 years, occ. Education
r/o Pathardi, Tq. Pathardi
Dist. Ahmednagar.
3. Dnyandeo s/o Kondiba Chemte
age 53 years, occ. Agril,
r/o Ranegaon Shingori,
Tq. Shevgaon,
Dist. Ahmednagar.
4. Dharamraj s/o Tukaram Chemte
age 25 years, occ. Service
At present in Indian Army in
State of Punjab
5. Babu @ Ambadas s/o Mahadeo Chemte
age 26 years, occ. Agril,
R/o Ranegaon Shingori
Tq. Shevgaon, Dist. Ahmednagar.
6. Jalindar s/o Tukaram Chemte
age 28 years, occ. driver
At present in state of Gujrat

.. APPLICANTS

VERSUS

1. The State of Maharashtra
Through The Police Inspector,
Police Station, Shevgaon,
Tq. Shevgaon,
Dist. Ahmednagar.
2. Kishor s/o Bhagwat Patkal,
age 25 years, occ. Education
R/o Chapadgaon, Tq. Shevgaon
Dist. Ahmednagar.

.. RESPONDENTS

Mr. S.S. Panale, advocate for applicants.
Mr. D.R. Kale, APP for the State.
Mr. S.R. Sapkal, advocate for respondent no. 2.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 15th APRIL, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

2. Instant application is presented seeking quashment of the criminal proceeding initiation in pursuance to the lodging of First Information Report at Shevgaon Police Station, Dist. Ahmednagar, for commission of offence punishable under sections 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

3. Complainant has impleaded six accused in the crime. The incident is alleged to have taken place as a result of quarrel between between accused and complainant on account of complainant practicing physical exercise at the open ground which, according to him, may facilitate him to fare well in physical test, which was to be conducted for induction in police services. Applicants-accused are unemployed students except accused no. 4 who is employed in the Indian Army and who was not stated to be present at the time of incident. Both the parties have settled their differences and the terms of compromise are placed on record, and marked as 'X' for identification. Complainant has consented for passing order of quashment

of proceeding registered against the accused.

4. Considering the facts and circumstances and on noticing that the act alleged against accused is of trifle nature, we deem it appropriate to direct quashment of the criminal proceeding. Reliance can be placed on the judgment in the matter of Gian Singh Vs. State of Punjab reported in **(2012) 10 SCC 303** and Narinder Singh and others Vs. State of Punjab and another reported in **(2014) 6 Supreme Court Cases 466**.

5. In view of above, criminal application deserves to be allowed and the same is accordingly allowed. Criminal proceeding initiated against accused in pursuance to lodging of First Information Report at Shevgaon Police Station on 09.03.2016 stands quashed. Rule is accordingly made absolute.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

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