

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

**CRIMINAL APPLICATION NO. 2246 OF 2016**

1. Haji Akbar Abdul Raheman  
age 75 years, occ. Retired  
r/o Nehrunagar, Gut no. 3  
Katkot Gate, Aurangabad.
2. Shaikh Irfan Haji Akbar  
age 37 years, occ. Business  
r/o Nehrunagar, Gut no. 3  
Katkot Gate, Aurangabad.
3. Altaf Khan Haji Akbar Khan  
age 44 years, occ. Business  
r/o Mahada Colony, Champa Chouk  
near Nisarbhahi Kirana Stores,  
Aurangabad.
4. Firoz Khan Nasim Khan  
age 34 years, occ. Business  
r/o Sanjay nagar,  
Near Water Tank,  
Aurangabad.

**.. PETITIONERS**

**VERSUS**

1. The State of Maharashtra
2. Sayed Azahar Sayed Kamroddin  
age 44 years, occ. Business  
r/o in front of Sadat Masjid  
Roshan Gate,  
Aurangabad.

**.. RESPONDENTS**

Mr. N.S. Ghanekar with Mr. Rupesh Jaiswal, advocates for applicants.  
Mr. S.J. Salgare, APP for the State.  
Mr. A.S. Ransingh, advocate for respondent no. 2.

**WITH  
CRIMINAL APPLICATION NO. 2254 OF 2016**

Sayed Azahar Sayed Kamroddin  
age 44 years, occ. Business  
r/o in front of Sadat Masjid  
Roshan Gate, Aurangabad.

**.. APPLICANT**

**VERSUS**

1. The State of Maharashtra
2. Firoz Khan Nasim Khan  
age 34 years, occ. Business  
r/o Sanjay Nagar,  
Near Water Tank,  
Aurangabad.

**.. RESPONDENTS**

Mr.A.S. Ransing, advocate for applicant.  
Mr. S.J. Salgare, APP for the State.  
Mr. N.S. Ghanekar with Mr. Rupesh Agrawal, advocates for respondent no.  
2.

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**CORAM : R.M. BORDE &  
P. R. BORA, JJ.  
DATE : 28<sup>th</sup> APRIL, 2016.**

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

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

2. These are the applications seeking quashment of the proceedings initiated in pursuance to lodging of First Information Report and submission of charge-sheet to the Court and registration of Sessions Case No. 56/2012 pending for trial before the learned Additional Sessions Judge – 6, Aurangabad for offence punishable under sections 307, 323, 504, 506 r/w section 34 of the Indian Penal Code and, Regular Criminal Case No. 2059/2016 pending before the Judicial Magistrate First Class, Aurangabad.

3. Registration of both the crimes is the outcome of the cross complaints presented by respective parties. Learned counsel representing the complainant and accused inform that the parties have decided to settle their dispute amicably out of the Court. In Criminal Application No. 2246/2016, charge levelled against applicant/accused is in respect of offence punishable under section 307 of the Indian Penal Code. On perusal of the injury certificate, it transpires that the injuries caused to the victim are of simple nature. Similarly, in Criminal Application No. 2254/2016 also, it transpires that injuries caused to the victim are not of serious nature. Both the parties with a view to maintain harmonious relations with each other have decided to settle their differences. Both the parties have presented affidavits duly signed by the applicants / accused as well as complainant. Learned counsel representing the parties have identified accused and as a token thereof have put their signature on the affidavits. Those are taken on record and marked 'X' and 'X1' for identification.

4. Since the parties have decided to settle their dispute amicably, it is more than clear that even if the trial proceeds, the same is not likely to result in conviction. The charges levelled against accused are not of such a nature those can be construed to be the offences against public peace. In view of ratio laid down by the Apex Court 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**, according to us, there shall not be any impediment in

permitting the parties to enter into compromise and as a consequence thereof, to quash the criminal proceeding initiated against accused as well as proceeding of Sessions Case and Regular Criminal Case pending before the respective Courts.

5. In view of above, both the criminal applications are allowed. Proceedings of Sessions Case No. 56/2012 pending before the Additional Sessions Judge – 6, Aurangabad for offence punishable under section 307, 323, 504, 506 r/w section 34 of the Indian Penal Code as well as proceeding of Regular Criminal Case No. 2059/2011 stand quashed. It is informed that in both the matters the investigating agency has presented charge-sheet and in one of the matters, charges are also framed. We are of the opinion that the huge money and time is spent by the State for maintaining the investigating agency. The applicants are instrumental in moving investigating machinery which has conducted investigation and filed charge sheet in both the offences. Since the applicants are instrumental in requiring investigating agency to make efforts and spend valuable time in aiding the complainants, they are liable to compensate the State at least as a token of contribution for the inconvenience caused to the State machinery. In this view of the matter, applicants shall deposit cost of Rs. 25,000/- in each application, in this Court, within a period of two weeks from today. Subject to condition of deposit of cost as directed above, criminal proceeding shall be quashed. Rule made absolute.

**( P. R. BORA )**  
**JUDGE**

dyb

**( R. M. BORDE )**  
**JUDGE**