

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1524 OF 2015

1) Arjun s/o Manoharrao Choudhari	PETITIONERS
2) Sudhir s/o Arjun Choudhari	
3) Sandip s/o Arjun Choudhari	
4) Sangram (Munna) s/o Arjun Choudhari	
5) Prashant s/o Suresh Choudhari	
6) Sachin s/o Suresh Choudhari	
7) Shriram @ Popat s/o Haribhau Choudhari	
8) Rushikant s/o Chandrakant Choudhari	

V E R S U S

The State of Maharashtra and Others	RESPONDENTS
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Mr. N.B. Khandare, Advocate for the Petitioners
Mr. S.D. Ghayal, A.P.P. for Respondent Nos. 1 & 2 – State
Mr. R.R. Mantri, Advocate, holding for
Mr. V.P. Panpatte, Advocate for Respondent No.3

**CORAM : A.V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 29th JANUARY, 2016

PER COURT :

1. Accused in Crime No. 87 of 2015, registered at Yusufwadgaon Police Station have filed this petition seeking an order for quashing and setting aside the crime registered against them. They also sought order

dated 21st November, 2015, passed by the learned Judicial Magistrate, First Class, Kaij, District Beed, to be quashed and set aside.

2. ***Facts leading to this petition, in short, can be stated as under:-***

On 9th August, 2015, one Shivaji lodged a complaint against petitioners alleging that they had assaulted him with deadly weapons, caused injury to him and also abused him on the Scheduled Caste. The offence was registered and investigation was initiated. During investigation, the Investigation Officer came to conclusion that there was lack of sufficient evidence, and therefore, he sent report under Section 169 of the Code of Criminal Procedure to the learned Magistrate. The report clearly indicated that the complaint was false. The learned Magistrate, however, rejected this contention and suspected that the Investigation Officer was purposely avoiding investigation etc. He, therefore, directed further investigation.

3. In the mean'time, there occurred a settlement between complainant and petitioners. Both the sides filed affidavits before us stating that they have settled the dispute and the complainant clearly stated that he would not proceed with the case. In this background, we are not inclined to examine as to whether the impugned order rejecting report under Section 169 of Criminal Procedure Code is correct or otherwise. For us, the case would come to an end because there is a settlement between the parties. The facts of this case indicate that the dispute arose because of election etc. Said dispute should be settled as far as possible amicably. If we encourage investigation, the dispute between the parties would not get

defused and it would further lead to other offences. Therefore, we are of the view that it would be in the interest of justice to put an end to this case in view of the compromise that has taken place between the parties. The petition is therefore allowed in terms of prayer clause 'C', and since we are now closing the case, there is no need to proceed with the investigation and for that we also allow the petition in terms of prayer clause 'D'.

(INDIRA K. JAIN, J.)

(A.V. NIRGUDE, J.)