

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 528 OF 2016

Mr. Tatyasaheb P. Pawar and Others. .. Applicants  
Vs  
State of Maharashtra and Others. .. Respondents

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Shri M.V. Thorat for the Applicants.  
Dr.F.R. Shaikh, APP for the Respondent No.1.  
Shri Fauzan Shaikh for the Respondent Nos.2 to 5.

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CORAM : A.S. OKA & A.A.SAYED, JJ  
DATED : 15TH JULY 2016

PC.

1. We issue Rule. The learned APP waives service for the first Respondent and the Advocate for the second to fifth Respondents waives service. Forthwith taken up for final disposal.

2. The prayer in this Application under Section 482 of the Code of Criminal Procedure, 1973 ( for short “CrPC”) is for quashing the First Information Report (FIR) registered for the offences punishable under Sections 326, 325, 323, 143, 148, 149, 504 and 506 of the Indian Penal Code along with Section 135 of the Bombay Police Act. The first informant is the second Respondent. The third to fifth Respondents are the victims of the offences. The prayer for quashing is made on the

ground of amicable settlement between the parties as stated in the affidavit filed by the first informant and the victims of the offences. On the earlier date, we have perused the medical certificates. On perusal of the medical certificates, we found that no case was made out for applying Section 326 of the Indian Penal Code. Perusal of the FIR shows that the incident was due to the dispute between the two groups. Though the statement of the first informant on the basis of which the impugned FIR was registered indicates that the injuries suffered were serious, the medical certificates show to the contrary. Moreover, the Applicants and the family members of the first informant are related to each other. Therefore, we find that a private dispute between the two group of individuals has led to the registration of offence. The offence cannot be said against the society at large. In view of the settlement of the dispute between the two groups, this is a fit case to exercise powers under Section 482 of the CrPC in view of the decision of the Apex Court in the case of *Gian Singh v. State Bank of Punjab*<sup>1</sup>.

3. We may note here that the applicants have deposited a sum of Rs.25,000/- with the Maharashtra State Legal Services Authority, Mumbai. Accordingly, the Application must succeed and we pass the following order.

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1 (2012) 10 SCC 303

## ORDER :

- (a) Rule is made absolute in terms of prayer clause (a)

which reads thus:

“(a) This Hon Court be pleased to quash and set aside the FIR No.0188/2016 registered at the instance of Respondent Police Station for the offences punishable under sections 326, 325, 323, 143, 147, 148, 149, 504 & 506 of Indian Penal Code alongwith Section 135 of Bombay Police Act.”

- (b) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

( A.S. OKA, J )