

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 575 OF 2016

Mr. Swapnil Madhukar Kashid & Ors.

... Applicants
(Org. Accused)

Vs

The State of Maharashtra & Anr.

... Respondents
(Org. Complainant)

**WITH
CRIMINAL APPLICATION NO. 576 OF 2016**

Mr. Aaba Suresh Kolekar & Ors.

... Applicants

Vs

The State of Maharashtra & Anr.

... Respondents

...

Mr. Satish Babasaheb Sakat for the applicants in Cri. Appln. 575/16.

Mr. Ganesh Thombre for applicant in Cri. Appln. No. 576/2016.

Dr. F. R. Shaikh APP for the Respondent No.1 in both the applications.

CORAM : A. S. OKA & A. A. SAYED, JJ.

DATE : 21 JUNE, 2016.

P.C. :

1 In both the applications we issue Rule. The learned APP waives service for the 1st respondent – State of Maharashtra in both the applications. The learned counsel appearing for the 2nd Respondent in both applications waives service. Forthwith taken up

for final disposal.

2 The prayer made in these two applications under Section 482 of the Code of Criminal Procedure, 1973 (for short “Cr. P. C”) is for quashing two separate First Information Reports registered on the basis of the same incident by two rival groups. Criminal application No. 575 of 2016 is filed for quashing First Information Report No. 14/2015 registered at the instance of the 2nd Respondent. The offences alleged are under Sections 326, 324 , 323, 504 read with Section 34 of the Indian Penal Code.

3 As far as Criminal Application No. 576/2016 is concerned, the prayer is for quashing C. R. No. 7/2015 registered with the same Trombay Police Station for the offences under section 326, 324, 323 and 504 read with section 34 of the IPC. In both the applications, not only the 1st informant but the persons who were injured in the incident have filed affidavits recording their no objection for quashing the offences on the ground of mutual

settlement.

4 We have perused the statements of the complaints on the basis of both the first information reports were registered. The dispute between two teams playing the game of cricket led to an altercation and eventually a fight between the members of the two groups .

5 We have perused the injury certificates produced for the perusal of court by the learned APP. The injury certificates do not justify application of Section 326 of the Indian Penal Code.

6 Essentially the offences have been registered on the basis of a private dispute between the two groups playing the game of cricket. Now there is a complete settlement of the dispute between the two groups. Considering peculiar facts of the case, it cannot be said that the offences committed are against the society at large. In our view, the law laid down by the Apex Court in the case of

GYANSINGH V/s. STATE OF PUNJAB¹ will squarely apply to the facts of the present case.

7 Accordingly we pass the following order :

i) Rule issued in Criminal Application No. 575 of 2016 is made absolute in terms of prayer clause (a) which reads thus:-

a) *That this Hon'ble Court may pleased to issue appropriate order or direction quashing the C.R. No. 14/2015 registered with Trombay Police Station under Section 326, 324, 323, 504, r/w 34 of I.P.C. against the applicant nos. 1, 2 and 3 herein in the interest of justice.*

ii) Rule issue in Criminal Application No. 576 of 2016 is made absolute in terms of prayer clause (a) is reads thus ;

a) *That this Hon'ble Court may pleased to issue appropriate order to direction quashing the C.R. No. 7/2015 registered with Trombay Police Station under Section 326, 323, 504, r/w 34 of I.P.C. against the applicant nos. 1, 2 and 3 herein in the interest of justice.*

¹(2012) 10 SCC 303

8 All concerned to act upon an authenticated copy of this order.

(A. A. SAYED, J.)

(A. S. OKA, J.)