

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.650 OF 2016

Lalchand Saroj & Ors. .. Applicants
Vs
State of Maharashtra and Anr. .. Respondents

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Shri Hemant Ingale i/b Shri Prashant Goyal for the Applicants.
Ms. M.H. Mhatre, APP for the Respondent No.1.
Shri T.N. Khandare for the Respondent No.2.

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CORAM : A.S. OKA & A.A. SAYED, JJ
DATED : 7TH JULY 2016

PC.

1. Rule. The learned APP for the first Respondent waives service. The learned counsel appearing for the second Respondent waives service. Prayer in this Application is for quashing the First Information Report registered at the instance of the second Respondent with Kalwa Police Station, Kalwa, Thane for the offences punishable under Sections 323, 324, 326, 504 read with Section 34 of the Indian Penal Code. The second Respondent has filed an affidavit stating that the incident occurred due to misunderstanding and thereafter, the things have been clarified and all issues have been settled between him and the Applicants.

2. On the earlier occasion, we had perused the injury certificate of the first informant. We are satisfied that the offence under

Section 326 of the Indian Penal Code is not made out in the facts of the case considering the material on record. The incident is the outcome of a quarrel between individuals. We find that the offence complained of is not against the society at large and, therefore, a case was made out to exercise the power under Section 482 of the Code of Criminal Procedure, 1973 in the light of the decision of the Apex Court in the case of *Gian Singh v. State Bank of Punjab*¹.

3. However, on the last date, the learned APP pointed out that in the past, the Applicants have indulged in similar activities. The learned counsel appearing for the Applicants on instructions stated that now the Applicants have learnt a lesson. In fact, the Applicants have today paid a donation of Rs.75,000/- to Shanti Avedna Sadan which is a charitable trust doing the activity of providing continuous care for the cancer patients. The learned counsel appearing for the Applicants has produced on record a receipt dated 5th July 2016 issued by the said trust.

4. Considering the peculiar facts, a case is made out to exercise the power under Section 482 of the CrPC. We, however, make it clear that the observations made in this order will not affect any other criminal proceedings which are pending against the Applicants.

¹ (2012) 10 SCC 303

5. Accordingly, we pass the following order:

ORDER :

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

(a) which reads thus:

“(a) This Hon'ble Court be pleased to quash and set aside the impugned FIR bearing C.R. No.I-172 of 2016 u/s. 323, 324, 326, 504 r/w. 34 of IPC, registered with Kalwa Police Station, Kalwa, Thane.”

(A.A. SAYED, J)

(A.S. OKA, J)