

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

CRIMINAL APPLICATION NO.303 OF 2017

1. Maroti s/o. Dattrao Bansode,
Age 39 Years, Occu. Agri.,
2. Anil s/o. Sakharam Talde
Age 22 Yrs, Occu. Agri.,
3. Balu s/o. Sheshrao Bobde
Age 25 Yrs, Occu. Agri.,
4. Sachin s/o. Anilrao Pawar
Age 20 Yrs, Occu. Agri.,
5. Amol s/o. Baban Bansode
Age 16 Yrs, Occu. Agri.,
6. Baban s/o. Raghoji Bansode
Age 40 Yrs, Occu. Agri.,
7. Vishnupant s/o. Dattrao Bansode
Age 34 Yrs, Occu. Agri.,
8. Eknath s/o. Marotrao Paratkar
Age 19 Yrs, Occu. Agri.,
9. Dinesh s/o. Yamnaji Khune
Age 26 Yrs, Occu. Agri.,
10. Nitin s/o. Anilrao Pawar
Age 21 Yrs, Occu. Agri.,
11. Sanjay s/o. Kisanrao Walwante
Age 32 Yrs, Occu. Agri.,

All R/o. Khandoba Bazar,
Parbhani,Tq. & Dist.Parbhani

APPLICANTS

VERSUS

1. The State of Maharashtra
2. Turabkhan s/o. Habibkhan
Age 30 Yrs, Occu. Hotel Owner
R/o. Jakir Hussien Nagar
Parbhani, Tq. & Dist. Parbhani

RESPONDENTS

...

Mr.Satej S. Jadhav and A.Chaudhari, Advocates
for the applicants

Mr.S.P.Deshmukh, APP for Respondent No.1/
State

Mr.Quadri Taher Ali, Advocate for respondent
No.2.

...

WITH

CRIMINAL APPLICATION NO.408 OF 2017

1. Turab Khan s/o. Habib Khan,
Age 30 years, Occu.Business,
Hotel Owner,
R/o. Dr.Zakir Hussain Nagar,
Nanalpeth, Parbhani,
Tq. & Dist. Parbhani.
2. Shaikh Rafiq s/o.Shaikh Ahmed
Urf Mukesh,
Age 32 Years, Occ. Business,
R/o. Marathwada Plot, Nanalpeth,
Parbhani.
3. Shaikh Siraj Pasha s/o. Shaikh
Muniroddin,
Age 30 years, Occ: Labour,
R/o. Gulzar Colony, Nanalpeth,
Parbhani.

4. Mirza Shakil Beg s/o. Mirza Mustafa Beg
Age 31 years, Occ:Labour,
R/o. Ganesh Colony, Nanalpeth,
Parbhani. **APPLICANTS**

VERSUS

1. The State of Maharashtra
Through Police Station Nanalpeth,
Parbhani, Tq. & Dist. Parbhani
2. Mohan Ashruba Pole,
Age: 30 Years, Occ: Agri. Labour,
R/o. Nehru Nagar, near Birghunath
College, Nanalpeth, Parbhani **RESPONDENTS**

...

Mr.Quadri Taher Ali, Advocate for the
applicants.
Mr.S.P.Deshmukh, APP for respondent no.1 /
State.
Mr.Satej S. Jadhav, Advocate for respondent
no.2.

...

WITH

CRIMINAL APPLICATION NO.409 OF 2017

Turab Khan s/o. Habib Khan,
Age 30 Years, Occu. Business Hotel Owner,
R/o. Dr.Zakir Hussain Nagar, Nanalpeth,
Parbhani,Tq.& Dist.Parbhani. **APPLICANT**

VERSUS

1. The State of Maharashtra
Through Police Station Nanalpeth,
Parbhani, Tq.& Dist.Parbhani
2. Kishan Govindrao Vaidya,
Age: Major Years, Occ: Labour,

R/o. Bobali Takali, Nanalpeth,
Parbhani, Tq. & Dist.Parbhani **RESPONDENTS**

...

Mr.Quadri Taher Ali, Advocate for the
applicant

Mr.S.P.Deshmukh, APP for respondent no.1 /
State.

Mr.Satej S. Jadhav, Advocate for respondent
no.2.

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**CORAM: S.S.SHINDE &
K.K.SONAWANE, JJ.**

Reserved on : 17.03.2017

Pronounced on : 23.03.2017

JUDGMENT: (Per S.S.Shinde, J.):

1. Heard.

2. Rule. Rule made returnable
forthwith, and heard finally with the consent
of the parties.

3. Criminal Application Nos.303/2017,
408/2017 and 409/2017 are filed for quashing
and setting aside the FIR bearing Crime No.
276/2016 [Charge sheet No.320/2016 in RCC
No.389/2016], Crime No.0279/2016 and Crime

No.0277/2016, registered with Nanalpeth Police Station, Parbhani, respectively.

4. Pursuant to the notices issued to the respondents in Criminal Application No. 303/2017, applicant nos.1 to 11 and respondent no.2 i.e. first informant have filed joint compromise pursis. Para 2 to 6 of the joint compromise pursis reads thus:

2. It is submitted that, all the deponents wherein are executing this joint compromise pursis for submitting the same before this Hon'ble Court as a proof of the compromise, that has taken place between both the parties.

3. It is submitted that, the present crime is registered, admittedly out of political rivalry and misunderstanding between both the parties and for the same the cross F.I.R. has also been registered.

4. It is submitted that, the

deponent No.12 herein submits and fortifies on oath, the fact that, the matter has been settled willingly by both the parties and that he has no grievance against the accused, deponent No.1 to 12.

5. It is submitted that, the deponents herein adopted the policy of forget and forgive and has decided to co-exist and live in a peace and brotherhood, foreseeing it as beneficial to maintain the health, texture and harmony of the society of which, they are responsible members.

6. It is submitted that, therefore, in the matter of above and the grounds main in application, the deponents herein all humility pray that this compromise pursis / deed be accepted and considered by this Hon'ble Court and the present Crime No.276/2016 registered against the applicants, at Nanalpeth Police Station, Parbhani, Dist. Parbhani, be kind quashed. Pursuant to same at the sympathetic hands of this

Hon'ble Court and in the interest of justice.

5. The joint compromise pursis is signed and verified by all the applicants and respondent no.2 in Criminal Application No. 303/2017.

The injured witnesses namely, Mazhar Khan Nazirkhan Pathan and Ajim Khan Habib Khan have filed affidavits. In the said affidavits, it is stated that in view of the joint compromise pursis filed by the applicants and respondent no.2, they are also willing to settle the matter in the light of contentions raised in the joint compromise pursis and they have no objection to quash the FIR bearing Crime No.276/2016, registered with Nanalpeth Police Station, Parbhani.

6. Pursuant to the notices issued to the respondents in Criminal Application No. 408/2017, applicant nos.1 to 4 and respondent

no.2 i.e. first informant have filed joint compromise pursis. Para 2 to 6 of the joint compromise pursis reads thus:

2. It is submitted that, all the deponents wherein are executing this joint compromise purshis for submitting the same before this Hon'ble Court as a proof of the compromise, that has taken place between both the parties.

3. It is submitted hat, the present crime is registered, admittedly out of political rivalry and misunderstanding between both the parties and for the same the cross F.I.R. has also been registered.

4. It is submitted that, the deponent No.5 herein submits and fortifies on oath, the fact that, the matter has been settled willingly by both the parties and that he has no grievance against the accused, deponent no.1 to 4.

5. It is submitted that, the

deponents herein adopted the policy of forget and forgive and has decided to co-exist and live in a peace and brotherhood, forseeing it as beneficial to maintain the health, texture and harmony of the society of which, they are responsible members.

6. It is submitted that, therefore, in the matter of above and the grounds in main application, the deponents herein all humbly pray that this compromise pursis / deed be accepted and considered by this Hon'ble Court and the present Crime No.0279/2016 registered against the applicant, at Nanalpeth Police Station, Parbhani, Dist. Parbhani be kindly quashed. Pursuant to same at the sympathetic hands of this Hon'ble Court and in the interest of justice.

7. The joint compromise pursis is signed and verified by all the applicants and respondent no.2 in Criminal Application No. 408/2017.

8. Pursuant to the notices issued to the respondents in Criminal Application No. 409/2017, applicant and respondent no.2 i.e. first informant have filed joint compromise pursis. Para 2 to 6 of the joint compromise pursis reads thus:

2. It is submitted that, all the deponents wherein are executing this joint compromise purshis for submitting the same before this Hon'ble Court as a proof of the compromise, that has taken place between both the parties.

3. It is submitted hat, the present crime is registered, admittedly out of political rivalry and misunderstanding between both the parties and for the same the cross F.I.R. has also been registered.

4. It is submitted that, the deponent no.2 herein submits and fortifies on oath, the fact that, the matter has been settled

willingly by both the parties and that he has no grievance against the accused, deponent no.1.

5. It is submitted that, the deponents herein adopted the policy of forget and forgive and has decided to co-exist and live in a peace and brotherhood, foreseeing it as beneficial to maintain the health, texture and harmony of the society of which, they are responsible members.

6. It is submitted that, therefore, in the matter of above and the grounds in main application, the deponents herein all humbly pray that this compromise purshis / deed be accepted and considered by this Hon'ble Court and the present Crime No.0277/2016 registered against the applicant, at Nanalpeth Police Station, Parbhani, Dist. Parbhani, be kindly quashed. Pursuant to same at the sympathetic hands of this Hon'ble Court and in the interest of justice.

9. The joint compromise pursis is signed and verified by the applicant and respondent no.2 in Criminal Application No. 409/2017.

10. We have interacted with the applicants and the first informants and also injured witnesses, they have stated that it is their voluntary act to enter into the compromise/settlement without any coercion and to maintain cordial relation in future with each other, they have decided to file compromise pursis.

11. We have carefully perused the allegations in the First Information Reports and also charge sheets. Upon careful perusal of the injury sustained by the injured witnesses are simple in nature, except one injury sustained by Turabkhan Habibkhan. Though the nature of injury on left hand over middle finger is grievous injury, same is not

on vital part. Even another injured witness namely Mazhar Khan Nazirkhan Pathan sustained grievous injury. However, according to the learned Advocate appearing for him, he was not treated as indoor patient for long time and he was discharged from Hospital immediately.

12. It appears that applicants and informants have filed cases against each other out of political rivalry. The parties have voluntarily decided to settle the dispute and bury the grievance against each other by adopting the policy of forget and forgive, they have decided to co-exist and live in a peace and brotherhood, foreseeing it as beneficial to maintain the health, texture and harmony of the society of which, they are responsible members.

13. It clearly emerges on record that the parties have amicably settled the dispute

and not to ready to proceed with the further proceedings arising out of the First Information Reports bearing Crime Nos. 276/2016 [Charge sheet no.320/2016 in RCC No. 389/2016], Crime No.0279/2016 and Crime No. 0277/2016, registered with Nanalpeth Police Station, Parbhani, District Parbhani, respectively. It means neither the informants nor the witnesses are going to support the allegations and as a result continuation of further proceedings arising out of the aforementioned Crimes would be abuse of process of law / court.

14. In that view of the matter, keeping in view the parameters laid down in the case of **Gian Singh Vs. State of Punjab & another**¹, and also in the case of **Narinder Singh & others Vs. State of Punjab & another**², we are inclined to allow these Criminal Applications.

1 2012 AIR SCW 5333

2. 2014 AIR SCW 2065

15. Accordingly, all Criminal Applications are allowed in terms of prayer clause-B in the respective Applications. Rule is made absolute on above terms and the Criminal Applications stand disposed of.

[K.K.SONAWANE]
JUDGE

[S.S.SHINDE]
JUDGE

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