

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.2851 OF 2017

01 Vijay s/o Namdeo Rakkate,
age: 30 years, Occ: Agril.,
R/o Chanda, Tq. Newasa,
District Ahmednagar.

02 Sanjay s/o Bhausahab Bhagat,
age: 39 years, Occ: Agril.,
R/o Chanda, Tq. Newasa,
District Ahmednagar.

03 Ganesh Machindra Bhutkar,
age: 30 years, Occ: Agril.,
R/o Shingnapur, Tq. Newasa,
District Ahmednagar.

Applicants

Versus

01 The State of Maharashtra.

02 In-Charge Police Inspector,
Sonai Police Station, Sonai,
Tq.Newasa, District Ahmednagar.

03 Sharad s/o Gorakshanath Shirke,
(wrongly mentioned as Shete in
in the FIR),
age: major, Occ: Driver,
R/o Tisgaon, Tq. Newasa,
District Ahmednagar.

04 Shaikh Azad Gulab Patel,
age: major, Occ: Agril & Business,
R/o Tisgaon, Tq. Newasa,
District Ahmednagar.

Respondents

Mr.V.D.Sapkal, advocate for the applicants.

Mr.S.R.Yadav Lonikar, A.P.P. for Respondents No.1 & 2.

Mr.A.B.Jagtap, advocate for Respondents No.3 & 4.

**CORAM : R.M.BORDE AND
A.M.DHAVAL, JJ.**

DATE : 13th June, 2017.

P.C. :

1 Instant application is tendered by the applicants seeking to quash the First Information Report lodged by Respondent No.3, which has been registered as Crime No.73 of 2017 at Sonai Police Station, Tq. Newasa, District Ahmednagar, on 05.06.2017, for the offences punishable under Sections 307, 341, 427, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Sections 37(1), (3) and 135 of the Bombay Police Act.

2 We have perused the First Information Report. The alleged incident appears to have occurred during the agitation of farmers. On perusal of the F.I.R., it does appear that neither the informant or anybody else has received any injury during the incident. The ingredients of Section 307 of the Indian Penal Code are not at all attracted. The parties i.e. the informant, applicants as well as owner of the tanker, who are present in the Court, informed that they have arrived at settlement and consent terms are placed on record. The consent terms are taken on record and marked "X" for identification.

3 Since the parties have decided to settle their dispute amicably and the informant as well as owner of the tanker have specifically contended that they do not want to proceed with the complaint, there shall be no difficulty in directing to quash the First Information Report. Even otherwise, since the parties have reached an understanding, there is no likelihood of the case resulting in conviction. The nature of the allegations do not appear to be serious persuading the Court not to exercise the powers under Section 482 of the Criminal Procedure.

4 On being asked the informant - driver of the tanker and owner of the tanker in the Court, they have stated that they have admitted the settlement of dispute amongst them and have also confirmed correctness of terms recorded in the consent terms marked "X". Respondent No.4 - owner of the vehicle stated that he has already received monetary compensation towards the loss sustained by him. In this view of the matter, the consent terms/compromise, which has been duly verified and signed by the parties, so also by their respective Counsel, deserves to be accepted.

In view of above, Criminal proceedings initiated against the applicants in pursuance to Crime No.73/2017, registered at Sonai Police Station, Tq. Newasa, District Ahmednagar, on 05.09.2017, stand quashed.

A.M.DHAVALÉ
JUDGE

adb/crappln285117

R.M.BORDE
JUDGE