

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

CRIMINAL APPLICATION NO. 1043 OF 2018

1. Parasram s/o Lalsing Rathod,
Age 60 years, Occ. Agriculture,
R/o. Kirla, Tq. Mantha,
District Jalna.
2. Rajesh s/o Parasram Rathod,
Age 40 years, Occ. Agriculture,
R/o. Kirla, Tq. Mantha,
District Jalna.
3. Vanita w/o Rajesh Rathod,
Age 30 years, Occ. Household,
R/o. Kirla, Tq. Mantha,
District Jalna.

... Applicants
(Ori. accused)

VERSUS

1. The State of Maharashtra.
Through Police Station
Mantha, Dist. Jalna.
2. Shilabai w/o Haribhau Rathod,
Age 42 years, Occ. Agril. &
Household, R/o. Kirla, Tq.
Mantha, District Jalna.

... Respondents
(Respondent No. 2 is
original informant)

...

Advocate for Applicants : Mr. S.J. Salunke.
APP for respondent No. 1/State : Mr. S.J. Salgare.
Advocate for Respondent No. 2 : Mr. A.D. Gade.

**CORAM : T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 22nd June, 2018.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final disposal.

2. Present proceeding is filed under section 482 of the Code of Criminal Procedure for relief of quashing of first information report No. 236/2017, registered with Mantha police station, for the offences punishable under section 307, 323, 504 read with section 34 of the Indian Penal Code.

3. Crime is registered on the basis of report given by respondent No. 2. The applicant No. 1 is brother-in-law of respondent No. 2, applicant No. 2 is a son of applicant No. 1 and applicant NO. 3 is wife of applicant No. 2. There was some dispute between the families and the incident took place on 31.08.2017. The allegations are made by respondent No. 2 that in the morning time when she was present on the common bandh of land, the applicants picked up quarrel by questioning her authority to do the work there and they forcibly administered poisonous substance to her.

4. The report was given on 31.08.2017 itself and the crime came to be registered for the aforesaid offences. This Court has seen the papers of investigation and the papers show that there was no surface injury. Apparently, there was not forceful administration of poisonous substance.

5. Learned counsel for respondent No. 2 is present and respondent No. 2 has filed affidavit-in-reply. Respondent No. 2 has contended that parties have settled the dispute amicably and to avoid further dispute the respondent No. 2 has given consent for giving the relief claimed in the present proceeding.

6. In view of the relationship between the parties and in view of the the nature of material collected and as parties are settled their dispute, this Court hold that it would be futile exercise if the charge-sheet is filed and the applicants are tried for the aforesaid offences. This Court hold that relief claimed is to be granted. Hence, following order is passed.

ORDER

1 The application is allowed.

2 Relief is granted in terms of prayer clause 'B'.

7. Rule is made absolute in aforesaid terms.

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)

mkd