

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

Criminal Application No.1900 of 2018

- 1) Kiran s/o Shivaji Raut,
Age 40 years, Occu: Agriculture,
R/o Kolhar Bk, Taluka Rahata,
District Ahmednagar.
- 2) Milind s/o Shivaji Raut,
Age 41 years, Occu : Agriculture,
R/o Kolhar Bk, Taluka Rahata,
District Ahmednagar.
- 3) Sanjay s/o Ramdas Raut,
Age 37 years, Occu : Agriculture,
R/o Kolhar Bk, Taluka Rahata,
District Ahmednagar.
- 4) Supriya w/o Kiran Raut,
Age 32 years, Occu : Agri/Household,
R/o Kolhar Bk, Taluka Rahata,
District Ahmednagar. **.. Applicants.**

Versus

- 1) The State of Maharashtra,
Through Investigating Officer
Loni Police Station, Taluka Rahata,
District Ahmednagar.
- 2) Amol s/o Sahebrao Kharde,
Age 25 years,
Occupation Agri/Milk Business,
R/o Kolhar Bk. Taluka Rahata
District Ahmednagar. **.. Respondents.**

Shri. Hemant U. Dhage, Advocate, for applicants.
Shri. R.V. Dasalkar, Additional Public Prosecutor, for
respondent No.1.
Shri. Sandip R. Sapkal, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
Smt. VIBHA KANKANWADI, JJ.**

Date: 23 AUGUST 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) Rule, rule made returnable forthwith. By consent, heard both sides for final disposal.

2) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.I-83/2018 registered with Loni Police Station, Taluka Rahata, District Ahmednagar for offences punishable under sections 307,327,341,143,147,148,149 etc. of the Indian Penal Code. During arguments it was submitted by the learned counsel for the applicants and the learned counsel for respondent No.2 that the parties have settled the dispute and the respondent No.2 has no objection to grant the relief claimed by the applicants. Affidavit of the so called eye witnesses is also filed to the effect that the parties have settled the dispute and nobody has interest in giving evidence for the prosecution in the matter.

3) This Court has carefully gone through the record of the investigation including injury certificate. The injury certificate shows that simple injury like staple wound on forehead was noticed. Allegation is made that during the assault some dangerous weapon was used. The doctor could not give opinion as to which weapon can cause such injury. The first informant was indoor patient for about 2 days i.e. from 24-4-2018 to 26-4-2018. When the incident took place on 24-4-2018, F.I.R. was given on 25-4-2018. It appears that he had given hand loan of Rs.50,000/- to the accused and they were not returning the amount. The incident took place due to that dispute, according to the first informant. In view of the nature of the dispute and the nature of injury and the aforesaid circumstances, this Court holds that relief needs to be granted. The original affidavit sworn by the witnesses is taken on record. In the result, the application is allowed. Relief is granted in terms of prayer clause (B). Rule made absolute in those terms.

Sd/- Sd/-
(Smt. VIBHA KANKANWADI, J.) (T.V. NALAWADE, J.)

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