

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

105 CRIMINAL APPLICATION NO.99 OF 2020

ASIFODDIN NIJAMODDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mrs. Kazi Sabahat T.
APP for Respondents/State: Mr. A. S. Shinde
Advocate for Respondent No.2: Mr. S. H. Pathan

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CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.

DATE : 04.02.2021

ORAL JUDGMENT :

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The present proceeding is filed for relief of quashing of Crime No.265 of 2019 registered with Azad Nagar Police Station, Dhule District Dhule for the offence punishable under Sections 326, 323, 504 and 506 of the Indian Penal Code.

3. This Court has carefully gone through the allegations made in the FIR. There is allegation that by using fighter, a blow was given on the

face of the informant by accused and due to that he sustained bleeding injury and he lost four teeth. During arguments, learned counsel for the applicant and informant submitted that the parties have settled the dispute. Affidavit to that effect of the informant is filed. In the affidavit, the informant has contended that he has no objection to grant the relief. He has given different account of the injury sustained by him. By way of precaution, this Court had asked the learned APP to collect antecedents of the applicant. Learned APP submitted on instructions that the applicant has no bad antecedents. In view of these circumstances, this Court holds that relief needs to be given. Nothing can be achieved if the applicant is asked to face trial for aforesaid offence. In view of the circumstance that the informant has no intention to give evidence. In the result, the following order:

ORDER

- a) Application is allowed.
- b) Relief is granted in terms of prayer clause 'B'. Rule made absolute in those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)