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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 240 OF 2021

Karansing Avinash Patil and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Shashikant T. Chalikwar, Advocate for applicants

Mr. A. S. Shinde, APP for respondent - State

Mr. V. D. Sapkal, Senior Advocate i/b Mr. S. R. Sapkal, Advocate
for respondent No. 2

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WITH
CRIMINAL APPLICATION NO. 219 OF 2021

Rajuanna @ Rajendra Ramdas Choudhary & Others APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. V. D. Sapkal, Senior Advocate i/b Mr. Sandip R. Sapkal,
Advocate for applicants

Mr. A. S. Shinde, APP for respondent - State

Mr. S. T. Chalikwar, Advocate for respondent No. 2

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[CORAM : SUNIL P. DESHMUKH AND
NITIN B. SURYAWANSHI, JJ.]

DATE : 1st SEPTEMBER, 2021

ORDER :

1. Both these applications are filed seeking quashing of counter complaints lodged by the applicants against each other.

2. Vijay Ramdas Choudhari (Borse) lodged first information report alleging that the applicants – accused assaulted him and his nephew Gaurav and the same is registered at Crime No. 166 of 2020 with Chalisgaon City Police Station for the offence punishable under sections 307, 324, 323, 326, 504, 506, 188 read with 34 of the Indian Penal Code and under sections 4 and 25 of the Arms Act so also under sections 39/192 (1), 146/19 of the Motor Vehicle Act. After completion of investigation, charge sheet was filed and the case is registered as Regular Criminal Case No. 120 of 2020, which is pending in the court of Judicial Magistrate First Class, Chalisgaon. Criminal Application No. 240 of 2021 seeks quashing of said proceedings.

3. Meenabi Avinash Patil lodged first information report alleging that the applicants – accused assaulted her son Arjunsing with stick and when she tried to intervene, the applicants – accused tore her blouse and assaulted her and others. The same is registered at Crime No. 167 of 2020 with Chalisgaon City Police Station for the offence punishable under

sections 307, 324, 354, 295(A), 143, 147, 148, 149, 323, 427, 504, 506 of the Indian Penal Code. After completion of investigation, charge sheet was filed and the case is registered as Regular Criminal Case No. 171 of 2020, which is pending in the court of Judicial Magistrate First Class, Chalisgaon. Criminal Application No. 219 of 2021 seeks quashing of said proceedings.

4. Learned Senior advocate appearing for the applicants – accused submitted that the parties have amicably settled their dispute at the initial stage when bail applications were filed before the trial court. At the time of hearing of bail applications before the trial court, the respective informants had filed affidavits bringing it to the notice of the trial court that both the matters have been amicably settled and the parties have decided to reside in peace and maintain good relations with each other. He further pointed out that the injured persons, in both the matters, have filed affidavits and have confirmed settlement arrived at between the parties and they have no objection if the proceedings are quashed.

5. By placing reliance on the judgment of the Supreme Court in the case of *“Narinder Singh and Others V/s State of Punjab”* (2014) 6 SCC 466 and a division bench judgment of this court in Criminal

Application No.955 of 2018 and companion matter dated 15th June, 2018, Mr. Sapkal, learned senior advocate contends that taking into consideration the nature of injuries suffered in both the cases, section 307 of the Indian Penal Code could not be said to be attracted.

6. Heard learned advocates for the respective parties and learned APP. With the assistance of learned APP we have perused the charge sheet.

7. In crime No. 167 of 2020, injury certificates issued to Meenabai and Arjunshing Show that they have suffered simple injuries, therefore, there is no question of applicability of Section 307 of the Indian Penal Code in that crime.

In Crime No. 166 of 2020, Gaurav Choudhari suffered spindle shaped stab injury of 2cm X ½cm size on gluteal region. Informant Vijay has suffered incised wound extending from left thumb and index finger, which is bone deep. Taking into consideration the nature of injuries suffered by Gaurav and informant Vijay and the fact that the injuries are on non vital parts, section 307 of the Indian Penal Code cannot be said to be attracted in this crime as well.

8. Taking into consideration the fact that there is amicable

settlement of dispute between the parties, which was arrived at, at the initial stage, immediately after the commission of offence and considering the fact that the parties have buried their hatchets and intend to live peaceful life by maintaining good relations, we are inclined to accept the request of the parties for quashing of the proceedings. The injured persons of both the sides have filed their affidavits confirming the settlement of dispute. The ratio in "*Narindersing*" (*supra*) is squarely applicable to the facts of the present case.

9. In view of aforesaid reasons, we find it desirable to quash the proceedings by accepting the compromise. Hence the following order.

A. Criminal application No. 240 of 2021 is allowed in terms of prayer clause "B". Proceedings of RCC No. 120 of 2020 arising out of crime No. 166 of 2020 registered with Chalisgaon City Police Station for the offence punishable under sections 307, 324, 323, 326, 504, 506, 188 read with 34 of the Indian Penal Code and under sections 4 and 25 of the Arms Act so also under sections 39/192 (1), 146/19 of the Motor Vehicle Act is quashed and set aside.

B. Likewise, Criminal application No. 219 of 2021 is

allowed in terms of prayer clause "B". Proceedings bearing RCC No. 171 of 2020 arising out of Crime No. 167 of 2020 registered with Chalisgaon City Police Station for the offence punishable under sections 307, 324, 354, 295(A), 143, 147, 148, 149, 323, 427, 504, 506 of the Indian Penal Code is quashed and set aside.

10. Applicants in both the applications are directed to pay cost of Rs.10,000/- (Rupees Ten Thousand) each. The cost is to be deposited with the High Court Legal Services Sub Committee Aurangabad within a period of four weeks from today. Both the applications stand disposed of.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE