

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

**908 CRIMINAL APPLICATION NO. 831 OF 2021  
WITH APPLN/854/2021**

**SUDHIR RAMBHAU SAPKAL AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Applicants : Mr. S.R. Zambare.  
APP for Respondent No. 1 : Mr. A.S. Shinde.  
Advocate for Respondent No. 2 : Mr. N.B. Narwade.

**CORAM : SUNIL P. DESHMUKH AND  
NITIN B. SURYAWANSHI, JJ.  
DATED : 24.09.2021**

**PER COURT :**

1. These applications seek quashing of the cross complaints lodged by the applicants against each other, on the basis of compromise.

2. FIR at Crime No. 71/2021, registered at Pathardi Police Station, Taluka Pathardi, District Ahmednagar, for the offences punishable under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code, is lodged by Annasaheb Mhatardey Kolte. It is alleged in the FIR that on 10.02.2021, he was assaulted at 11:00 in the night by the applicants with stone, iron rod, fist and kick blows. Criminal Application No. 831/2021 seeks quashing of this FIR on the basis of compromise.

3. Sudhir Rambhau Sapkal lodged FIR at Crime No. 75/2021, registered at Pathardi Police Station, Taluka Pathardi, District Ahmednagar, for the offences punishable under Sections 326, 324, 143, 147, 148, 149, 323, 504, 506 read with 34 of the Indian Penal Code and under Sections 3 (1) (r), 3 (1) (s), 3 (2) (v-a) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, alleging that the applicants assaulted Sandip Wakhure and the informant with axe, wooden log, fist and kick blows. They also abused in the name of caste. Criminal Application No. 854/2021 seeks quashing of this FIR on the basis of compromise.

4. The applicants in both the applications submit that they are resident of the same village and have good relations since more than thirty five years. They have amicably settled their dispute as it was realized by them that both the FIR were filed due to political rivalry and misunderstanding. It is further aver that they have developed good relations between them and they want to maintain peace and harmony in the village. The applicants repent for the acts done by them. Hence, they seek relief of quashing of the proceedings. All the applicants have filed joint affidavits of the applicants and the respective complaints in both the applications on record, reiterating the amicable settlement of dispute with a view to maintain peace and

harmony in the village, they seek quashing of the proceedings.

5. The papers of investigation of both the crimes are made available by the learned APP. We have perused the same.

6. In Crime No. 71/2021, injury Certificate of Suraj Raghunath Kolte shows that he had suffered contused lacerated wound on left parietal side of head, 1 cm x 3 cm which is stated to be a simple injury.

7. In Crime No. 75/2021, Sandip Namdev Wakhure has suffered following simple injuries :

*(1) Lacerated wound on back of head at occipito parietal region, 3.5 cm x 0.5 cm muscle deep.*

*(2) Lacerated wound on occipital region, 5.5 cm x 0.3 cm muscle deep.*

*(3) Lacerated wound above left eyebrow, 3.5 cm x 1.5 cm bone deep.*

*(4) Contusion on upper back at interscapular region of size 11 cm x 2 cm.*

*(5) Contusion on lower back, 18 cm x 2 cm.*

*(6) Contusion 6 cm below injury No. 5, 12 cm x 02 cm.*

All the injuries are simple and were caused by hard and blunt object, no fracture was noticed.

Sudhir Vishnu Sapkal received following injuries :

*(1) Two abrasions present on Anterolateral aspect of right leg of size separated by 2 cm x 2 cm and 2 cm x 2 cm.*

*(2) Abrasion present on Anterolateral aspect of left knee, 7 cm x 3.5 cm.*

*(3) Abrasion on middle part of shin of left tibia, 3.5 cm x 0.5 cm.*

*(4) Multiple contused abrasions on left hip, 11 cm x 7 cm, varying from 0.3 cm x 0.5 cm to 0.5 cm x 0.5 cm.*

*(5) Contusion on the right scapular region, 12 cm x 12 cm.*

All the injuries are simple and were caused by hard and blunt object. Though x-ray was taken, no fracture was noticed.

8. Since the injuries sustained by all the injured in both the

applications are simple and they are not on vital part of body, it is clear that Sections 324 and 326 of the Indian Penal Code are not attracted in both the crimes.

9. All the applicants and respondents in both matters are present today. They are identified by their respective advocates. They confirmed the amicable settlement of dispute. They further stated that the settlement took place at the instance of elders and prominent villagers. They have agreed to maintain cordial relations in future and peace in the village. We find that the amicable settlement in the present matter is genuine. In that view of the matter, both the Criminal Applications deserve to be allowed in the interest of justice. Hence, the following order :

ORDER

- (i) Criminal Application No. 831/2021 is allowed.
- (ii) FIR at Crime No. 71/2021, registered at Pathardi Police Station, Taluka Pathardi, District Ahmednagar, for the offences punishable under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 and further proceedings, if any, pursuant to it, are hereby quashed and set aside.

(iii) The applicants in Criminal Application No. 831/2021, shall pay costs of Rs. 25,000/- (Rupees twenty five thousand) to be deposited with Advocates' Bar Association, High Court, Bench at Aurangabad.

(iv) Criminal Application No. 854/2021 is allowed.

(v) FIR at Crime No. 75/2021, registered at Pathardi Police Station, Taluka Pathardi, District Ahmednagar, for the offences punishable under Sections 326, 324, 143, 147, 148, 149, 323, 504, 506 read with 34 of the Indian Penal Code and under Sections 3 (1) (r), 3 (1) (s), 3 (2) (v-a) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and further proceedings, if any, pursuant to it, are hereby quashed and set aside.

(vi) The applicants in Criminal Application 854/2021, shall pay costs of Rs. 25,000/- (Rupees twenty five thousand) to be deposited with Advocates' Bar Association, High Court, Bench at Aurangabad.

( NITIN B. SURYAWANSHI, J. )

( SUNIL P. DESHMUKH, J. )