

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 CRIMINAL APPLICATION NO.1940 OF 2020

SATISH GOPICHAND ATHAWALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Tungar Hrishikesh V
APP for Respondent-State: Mr. R.D. Sanap
Advocate for Respondent No.2 : Mr. Gajanan G. Kadam
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 26th NOVEMBER, 2021**

PER COURT:-

1. Heard finally with consent at admission stage.
2. The applicant original accused is seeking quashing of F.I.R. bearing crime No.332 of 2020 registered with Bhagyanagar Police Station, Nanded, for the offences punishable under Sections 324, 504, 506 of I.P.C., so also quashing of proceedings bearing R.C.C. No. 895 of 2020 pending before the J.M.F.C. Nanded, on settlement.
3. Learned counsel for the applicant submits that respondent No.2 original informant is the real mother of the applicant. They have arrived at amicable settlement. Learned counsel submits that due to some misunderstanding between the son and the mother, crime came to be registered on the basis of complaint lodged by

respondent No.2-mother. They have amicably resolved and settled the dispute .

4. Learned counsel for respondent No.2 submits that the applicant and respondent No.2-mother have filed compromise terms by filing a joint affidavit. They have arrived at amiable settlement. The complaint came to be lodged due to some misunderstanding between them. Learned counsel for respondent No.2 submits that it has been decided between them that the applicant-accused shall not come in the house at Nanded and disturb respondent No.2-mother. Further, he shall not make any phone calls to respondent No.2 mother. It is also agreed between them that the applicant shall respect his father as well as respondent No.2-mother and shall not insult them. The applicant has already expressed his apology to his mother respondent No.2 herein which has been accepted by her.

5. Learned A.P.P. submits that as per the allegation made in the complaint, the applicant has hit a brick on the head of respondent No.2, who happened to be his real mother. However, Mr. Sanap, learned A.P.P. submits that the mother has pardoned the son and arrived at compromise. Learned A.P.P. has fairly accepted that there are no antecedents.

6. We are surprised to note that by way of settlement, respondent No.2-mother is expecting from her son applicant, who is highly

educated and serving as Lecturer, to respect his father and mother (respondent No.2 herein). It is informed to us that respondent No.2-mother has arrived at settlement for the reason that due to registration of crime, career of her son, i.e. the applicant, should not be spoiled. Respondent No.2 mother has pardoned the act of the applicant with a very big heart, however, at the same time, we are expecting that the applicant-accused shall respect his parents in future and as far as possible take care of both of them at the fag end of their life subject to the settlement terms arrived at between them.

7. Thus, considering entire aspect of the case and considering the peculiar facts of the case, we are inclined to quash the F.I.R. and the proceeding. Hence, we proceed to pass the following order:-

O R D E R

- I. Criminal application is allowed in terms of prayer clause "B" and "B-1".
- II. Criminal application is accordingly disposed of.

7. At this stage, learned A.P.P. submits that certain costs may be imposed on the applicant. Thus, considering the peculiar facts and circumstances of the present case and the relations between the parties, we deem it appropriate to impose costs of Rs.1/- (Rupees

one only) on the applicant. We direct the applicant to deposit the same in the Registry of this Court.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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