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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2063 OF 2021

Ramesh Dattarao More and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Vikram S. Kadam, Advocate for the applicants

Mr. S. J. Salgare, APP for respondent - State

Mr. Upendra B. Bilolikar, Advocate for respondent No. 2

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

DATE : 24th SEPTEMBER, 2021

ORDER :

1. At the outset, learned advocate for the applicants seeks leave to correct. Leave granted. Corrections be carried out forthwith.

2. By this application, the applicants seek quashing of First Information Report in Crime No. 346 of 2020 registered with Bhagyangar Police Station, Nanded for the offence punishable under sections 452, 323, 324, 504, 506 read with 34 of the Indian Penal Code and further proceedings of RCC No. 19 of

2021 pending on the file of Chief Judicial Magistrate, Nanded, registered pursuant to the same.

3. The applicants are in laws and relatives of wife of the informant – respondent No.2

4. The First Information Report was lodged by the informant – respondent No.2, in short alleging that all the applicants, in collusion with each other, unauthorizedly entered the house of the informant and manhandled him and his father and hurled abuses. It is further alleged that applicant No. 4 assaulted the informant with knife on right eyebrow and applicant No.2 assaulted with iron rod on head. It is alleged that the incident occurred, as the informant had sent notice of divorce to the daughter of applicant No.1.

5. It is informed that the parties have now amicably settled the dispute and matrimonial dispute between the informant and his wife – daughter of applicant No. 1 is already resolved. The parties have filed consent terms on record. As per the consent terms the parties have agreed to withdraw prosecution and cases lodged against each other.

6. Today, we have allowed criminal application No. 2392 of 2020 filed for quashing of the FIR lodged by wife of the

informant, on the basis of compromise arrived at between the parties.

7. We have perused the charge sheet. Injury certificate of the informant shows that he has suffered following injuries-

- I. CLW on right eyebrow – 3X2X1 cm
- II. CLW on parietal area of head - 3X1X1 cm
- III. Blunt Trauma – Head
- IV. Blunt Trauma – Back
- V. Blunt Trauma – Right Forearm.

All the injuries are simple injuries.

8. Taking into consideration the fact that the parties have resolved their differences by entering into compromise, and as the injuries suffered by respondent No. 2 are simple, we are inclined to accept the settlement arrived at between the parties. In this view of the matter, we are of the considered view that continuation of the prosecution against all the applicants would be an abuse of process of law. In these circumstances, even if the trial is allowed to be proceeded with, it will be a futile exercise. In that view of the matter, the application deserves to be allowed in the interest of justice.

9. In the result, criminal application No. 2063 of 2021 is allowed. Proceedings of FIR in Crime No. 346 of 2020 registered with Bhagyanagar Police Station, Nanded for the offence punishable under section 452, 323, 324, 504, 506 read with 34 of the Indian Penal Code and further proceedings of RCC No. 19 of 2021 pending on the file of Chief Judicial Magistrate, Nanded are hereby quashed and set aside. Criminal application, accordingly stands disposed of.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE