

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.134 OF 2021

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| <u>APPLICANTS:</u>
<u>Complainant :</u> | 1. | Pramod s/o Kisan Khade,
Aged about : 31 years,
Occu. : Agri. |
| <u>Victim :</u> | 2. | Sau. Kusum W/o Kisan Khade,
Aged about : 65 years,
Occu. Household. |
| <u>Accused :</u> | 3. | Vitthal s/o Tatyrao Wagh,
Aged about : 26 years,
Occu. : Agri. |
| <u>Accused :</u> | 4. | Gajanan s/o Tatyrao Wagh,
Aged about : 30 years,
Occu. : Agr. |
| <u>Accused :</u> | 5. | Sau. Kalpna Vitthal Wagh,
Aged about : 21 years,
Occu. : Household. |

All R/o Karli Tq. Distt. Washim.
Mob - 7620063143

V E R S U S

<u>NON-APPLICANT :</u>	State of Maharashtra, Through Police Station Officer, Jaulka, Tq. Malegaon, Dist. Washim.
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Shri R. L. Kadu, Advocate for applicants.

Shri S. D. Sirpurkar, Additional Public Prosecutor for Non-
applicant-State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 27/01/2021.

ORAL JUDGMENT : (PER : AMIT B. BORKAR, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. This is a joint application filed by the Informant, Victim and the accused under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report No.9/2021 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 324, 323, 504 and 506 r/w Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant Nos.3 to 5 with the accusation that the applicant Nos.3 to 5 assaulted the applicant No.2 with the rod of axe resulting in injury to the applicant No.2. During pendency of the investigation, the Informant, Victim and the accused have settled their dispute amicably and have therefore, filed the present application for quashing of First Information Report. It has been stated in the application that the First Information Report came to be registered due to misunderstanding between the applicant Nos.1 and 2 and the applicant Nos.3 to 5. It has been stated that

the investigation is at the initial stage and to maintain peace and harmony between the family, they have settled their dispute.

5. We have carefully considered the contents of First Information Report. From the allegations in the First Information Report, it appears that the allegations are personal in nature. Since the parties have settled their dispute amicably, the chances of conviction are bleak. No purpose would be served by continuing the proceedings. In view of Judgment of Hon'ble Apex Court in the case of Madan Mohan Abbot Vrs. State of Punjab, reported in (2008) 4 SCC 582, we are satisfied that First Information Report No.9/2021 deserves to be quashed and set aside.

6. We, therefore, pass the following order :-

ORDER

I] The First Information Report No.9/2021 registered with the non-applicant No.1 - Police Station for the offences punishable under Sections 324, 323, 504, 506 and 34 of the Indian Penal Code is quashed and set aside.

7. Rule is made absolute in the above terms.

JUDGE

JUDGE

Choulwar