

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

CRIMINAL APPLICATION [APL] NO.823 OF 2020

- 1] Mohd. Aslam Mohd. Yusuf
Age 27 years, Occupation-agriculturist
- 2] Mohd. Hussain Mohd. Yusuf
Age 26 years, Occupation-agriculturist
- 3] Mohd. Mohseen Mohd. Yusuf
Age 33 years, Occupation-agriculturist
- 4] Mohd. Mobin Mohd. Yusuf
Age 25 years, Occupation-agriculturist
- 5] Mohd. Matin Mohd. Yusuf
Age 37 years, Occupation-agriculturist
- 6] Mohd. Javed Mohd. Yusuf
Age 29 years, Occupation-agriculturist
- 7] Abdul Majid Abdul Tamij
Age 33 years, Occupation-agriculturist
- 8] Abdul Tamij Abdul Yunus (Dead),
Age 66 years, Occupation-agriculturist
- 9] Abdul Shakil Abdul Tamij
Age 37 years, Occupation-agriculturist
- 10] Abdul Akil Abdul Tamij
Age 36 years, Occupation-agriculturist
- 11] Abdul Adil Abdul Tamij
Age 28 years, Occupation-agriculturist
- 12] Abdul Sabir @ Harun Abdul Tamij
Age 26 years, Occupation-agriculturist

13] Abdul Abid Abdul Tamij
Age 35 years, Occupation-agriculturist

Above all R/o. Panaj, Taluka : Akot,
District : Akola.

..

Applicants

.. **Versus** ..

The State of Maharashtra,
Through P.S.O. of P.S. Akot (Rural),
District-Akola.

..

**Non-
Applicant**

.....

Mr. P.W. Mirza, Advocate for the applicants,
Mr. M.J. Khan, APP for the non-applicant.

.....

**Coram: M.S. Sonak and
Pushpa V. Ganediwala, JJ.**

Date: 01.12.2021.

JUDGMENT (PER: M. S. SONAK, J.)

Heard the learned counsel for the parties.

2. **Rule.** The rule is made returnable forthwith at the request of and with the consent of the learned counsel for the parties.

3. This is a joint application for quashing of first information reports and counter first information reports. The offense is alleged in FIR No.337/2019 includes *inter alia* an offense

under Section 307 of the Indian Penal Code amongst others. The rest of the offenses concern the provisions of Sections 143, 147, 148, 149, 323, 324, 325, 504 of the Indian Penal Code.

4. The joint petition refers to the civil disputes between the parties which have been listed in paragraph 9 of this petition. The petition points out that now a settlement has been arrived at between the parties in the civil litigation through the intervention of elders, friends, and well-wishers and there are statements in the petition that the family members have now resolved their disputes and leave a peaceful life henceforth.

5. In **Narinder Singh and others .vs. State of Punjab and another, (2014) 6 SCC 466**, the Hon'ble Supreme Court has clarified that merely because FIR/charge-sheet incorporates provisions of Section 307 of the Indian Penal Code would not, by itself, be a ground to reject the petition under section 482 of the Code of Criminal Procedure and refuse to accept the settlement between the parties. In this case, detailed guidelines have been provided as to the circumstance in which the Court can accept a settlement between the parties and quash the proceedings even in cases where Section 307 of the Indian Penal Code is invoked.

6. On the perusal of the guidelines which are to be found in paragraph 29 of *Narinder Singh (supra)*, we are satisfied that the dispute between the parties had a predominately civil character. The disputes were between the family members and therefore, even the crimes, as alleged, need not be treated as crimes against society. Besides, these are cases of complaints and counter complaints lodged by the parties against each other in the background of the civil disputes between them. Now that the civil disputes have been settled, we see no reason not to quash the impugned FIR/Complaints in the peculiar facts as borne out from the record.

7. Besides, we note that the applicants recognizing that the police machinery, as well as the judicial institutions, had to devote precious time and energy to attend to their complaints, have deposited by way of costs Rs.50,000/- to the High Court Bar Association, Nagpur. A receipt to this effect is filed under the cover of a pursis, is taken on record. Some of the applicants are present in the court today and they state that they have resolved their *inter se* disputes and are now not desirous in pursuing their complaints and counter complaints against each other.

8. Having cumulative regard to all the aforesaid circumstances, we accept this application and quash and set aside the impugned FIR/Charge-sheet/Complaints referred to in the prayer

clauses of this application. The rule is made absolute in terms of prayer clauses (i), (ii) and (iii), which reads as follows :

(i) Charge sheet no.144/2019 (Annexure-B) and the FIR no.337/2019 (Annexure-A), for the offences punishable u/s. 307, 326, 324, 143, 147, 148, 149, 294 of the Indian Penal Code and u/s 4, 25, 27 of Arms Act registered at police station Akot (Rural), District-Akola and the consequential proceedings registered as S.T. No.11/2020 pending on the file of Learned District & Sessions Judge, Akot against applicant no.1 to 6;

(ii) Charge Sheet no.141/19 (Annexure-D) and the FIR no.338/2019 (Annexure-C) for the offences punishable u/s 143, 147, 148, 149, 323, 324, 325, 504 of the Indian Penal Code registered at police station, Akot (Rural), District-Akola and the consequential proceedings registered as R.C.C. no.283/2019, pending on the file of Learned 2nd Jt. C.J.J.D. & J.M.F.C., Akot against applicant no.7 to 13.

(iii) Criminal Complaint No.435/20, Abdul Tamij Abdul Yunus v/s Mohd. Anis Mohd. Yusuf + 3 pending on the file of JMFC, Akot.

9. Rule is made absolute in the aforesaid terms. There shall be no order for costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)