

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

CRIMINAL APPLICATION (APL) NO.1069/2021

Rishi s/o Ashok Parwani

..VS..

State of Mah., thr. PSO PS Khadan, Akola, Taluka and District Akola and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri K.H.Anandani, Counsel for the Applicant.
Shri Khushalani, Counsel for Non-applicant No.2.
Shri T.A.Mirza, Addl.P.P. for the State.

**CORAM : V.M.DESHPANDE &
AMIT B.BORKAR, JJ.**
DATED : OCTOBER 05, 2021

1. This is an application under Section 482 of the Code of Criminal Procedure for quashing of first information report on the ground that applicant accused and one of injured have settled their dispute out of the Court in presence of panchayat.

2. Heard learned counsel Shri K.H.Anandani for the applicant/accused, learned counsel Shri Khushalani for non-applicant No.2/complainant, and learned Additional Public Prosecutor Shri T.A.Mirza for the State.

3. From chargesheet, it is clear that incident of assault occurred on 5.3.2016. From first information report it is clear that the applicant/accused was having a sword on his person.

4. Normally, a citizen does not roam in the society along with a sword on their person.

5. As per first information report the applicant/accused started abusing non-applicant No.2/complainant and, thereafter, took out sword and assaulted on his chest.

6. It appears that another person by name Manish was also injured by the present applicant/accused.

7. Injury certificates of Manish as well as non-applicant No.2/complainant are part and parcel of chargesheet. Injuries appear to have been serious one.

8. During course of submissions, learned counsel Shri K.H.Anandani for the applicant submitted that learned Judge below has already framed charge.

9. Another injured Manish is not before the Court.

10. Merely because parties are coming and they are stating that the matter is compromised that itself is not sufficient to endure the same. It is duty of the Court to see as to whether the Court should permit parties to settle the matter. Our conscious does not permit us to approve the compromise as stated by the applicant/accused and non-applicant No.2/complainant, looking to injuries and in absence of another injured person.

11. In this view of the matter, the criminal application is rejected and disposed of accordingly.

JUDGE

JUDGE

!! BRW !!

...../-