

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CRIMINAL APPLICATION NO.14 OF 2020

CHARANSINGH HARNAMSINGH BAWARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Mr.M.K. Bhosale, Advocate for the applicants.
Mr.K.S. Patil, APP for the respondent/State.
Mr.A.L. Kanade, Advocate for respondent No.2.

CORAM : V.K. JADHAV &
SANDIPKUMAR C.MORE, JJ.
DATED : 15.03.2022

PC :-

01. Learned Counsel for the applicants submits that during pendency of the Criminal Application, the parties have arrived at amicable settlement. Learned Counsel thus tendered across the bar the compromise affidavit signed by both the parties and the same is taken on record. However, it appears that during the pendency of this Criminal Application, charge-sheet has been submitted. By order dated 7th June, 2021 this Court has directed the applicants to place on record copy of charge-sheet and in compliance with the said directions, a copy of charge-sheet has been tendered. However, the

applicants have not carried out amendment in the prayer clause. Since the parties have arrived at amicable settlement, we permit the applicants to carry out the amendment in the prayer clause to seek quashing of the proceedings.

02. We have heard learned Counsel for the applicants. The applicants are seeking quashing of FIR bearing Crime No.435 of 2019 registered with Gevrai Police Station, Dist. Beed and also criminal proceedings vide RCC No.618 of 2020 for the offences punishable under sections 324, 323, 504, 506 read with section 34 of the Indian Penal Code, on the ground that the parties have arrived at amicable settlement.

03. Learned Counsel for the applicants and learned Counsel appearing for respondent No.2 submit that the crime in question is an outcome of misunderstanding and sudden provocation. They have settled the dispute amicably out of the Court and there is no enmity between

them. Learned Counsel submits that the daughter of applicant No.1 is given in the marriage to the son of respondent No.2, however, there was dispute in respect of co-habitation of said daughter of applicant No.1 and thus the alleged incident has taken place. Learned Counsel submits that even at present the daughter of applicant No.1 is cohabiting with the son of respondent no.2 and they are happily leading their marital life. The parties have decided to settle their dispute finally.

04. Learned APP submits that respondent No.2-informant has sustained grievous injury. There are allegations in the complaint that applicant No.1 has given blow of iron rod on the leg of respondent No.2 and as such she has sustained fracture injury to her leg. Learned APP, however, fairly submits that so far as weapon allegedly used in the assault is concerned, respondent No.2-informant has not sustained any injury due to the blow of the knife. Respondent No.2 has sustained two injuries and both the injuries have been

caused by hard and blunt object and no sharp weapon has been used.

05. We have carefully gone through the compromise affidavit. It appears that the parties are relatives and the incident has taken place due to misunderstanding and sudden provocation, as stated in the compromise affidavit. It also appears from the oral submissions of the learned Counsels appearing for the parties that the daughter of applicant No.1 is given in the marriage to the son of respondent No.2 and the dispute arose on account of cohabitation of said daughter. However, at present, due to settlement of dispute amicably, said daughter of applicant No.1 is cohabiting with the son of respondent No.2 and the parties have also resolved their dispute to the extent of present crime. It further appears that they have arrived at settlement voluntarily and as such they are withdrawing all the allegations made against each other. They have decided to live peacefully in future. It appears from the police report submitted

before us that there are no antecedents and the incident has taken place only due to matrimonial discord. It is a private dispute between the two families. We are, thus, inclined to allow this application. Hence, we proceed to pass following order :-

O R D E R

(i) Criminal Application is allowed in terms of prayer clauses (B) and (B1).

[SANDIPKUMAR C. MORE,J.]

[V.K. JADHAV,J.]