

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1039 OF 2022

**SANGHPAL RAMESH AWACHAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Applicant: Mr. Shaikh Shakil U.
APP for Respondent Nos.1&2: Mr. S. D. Ghayal
Advocate for Respondent No.3:
Mr. A. K. Bhosale (*Appointed*)

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**CORAM: SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE: 21st JULY, 2022

PER COURT:

1. Leave to amend. Amendment to be carried out forthwith.

2. This is an Application for quashing of the proceedings pending before the Judicial Magistrate First Class, Aurangabad vide R.C.C. No.1453 of 2020. This proceedings arise out of C.R. No.0269 of 2019 registered at Harsul Police Station, Aurangabad under Section 323, 324, 504 and 506 of the Indian Penal Code, 1860.

3. Though, initially, the Application is filed for quashing on merits, however, there is subsequent settlement between the parties and, now, the Application is pressed on the ground of settlement.

4. Heard learned Counsel for the parties.

5. The F.I.R. is lodged by Respondent No.3 who is wife of the Applicant. She has stated in her F.I.R. dated 04.11.2019 that in the morning there was a quarrel between the couple. After that she called her parents and brother and who came to her house. It is alleged that the Applicant assaulted her relatives with household articles and helmet. On these allegations the F.I.R. is filed.

6. It is an admitted position and accepted by the learned APP that all the injuries suffered by all the injured are simple in nature. There were 3 injured in this case. The first one is informant, the other is her mother Rekha and the

third is her brother Vaibhav. All of them have filed *affidavit-in-reply*. It is a common affidavit verified by all the three injured separately. In the affidavit, Respondent No.3 had categorically stated that the first informant has no objection if the proceedings are quashed. This statement is made in Paragraph No.6 of the affidavit. Considering this affidavit, we are inclined to allow this Application.

7. It has to be noted that it was a private dispute basically between the husband and wife. The Society in general is not concerned. The injuries are not serious and, therefore, there is no impediment in allowing this Application. Hence the following order-

ORDER

[I] The Application is allowed in terms of prayer clause "B".

[II] The proceedings pending before the Judicial Magistrate First Class, Aurangabad

vide R.C.C. No.1453 of 2020 are quashed and set aside.

[III] Learned Counsel Mr. A. K. Bhosale, was appointed through Legal aid. He shall be paid his professional fees in accordance with Rules.

8. The Criminal Application stands disposed of.

[BHARAT P. DESHPANDE, J.] [SARANG V. KOTWAL, J.]

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