

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

926 CRIMINAL APPLICATION NO.2227 OF 2021

- 1) Monal W/o. Sanghpal Awachar.
- 2) Vaibhav S/o. Suryakant Telgote.
- 3) Suryakant S/o. Tulshiram Telgote.
- 4) Rekha W/o. Suryakant Telgote.
- 5) Karuna @ Bali W/o. Sanjeev Palaspagar. **... Applicants**

Versus

- 1) The State of Maharashtra.
- 2) Sanghpal S/o. Ramesh Awachar. **... Respondents**

...

Mr. Abhaysinh K. Bhosle, Advocate for Applicants. (Appointed).

Mr. S. D. Ghayal, APP for Respondent/State.

Mr. Shakil U. Shaikh, Advocate for Respondent No.2.

...

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

DATE : 21st July, 2022.

PER COURT:

. This is an application for quashing of the proceedings arising out of C.R. No.270 of 2019, registered at Harsul Police Station, Aurangabad, under Sections 324, 143, 147, 148, 149, 452, 342, 323, 504 and 506 of the Indian Penal Code. The investigation was carried out and the charge-sheet is filed, which has resulted in R.C.C. No.1455 of 2020. Both learned counsel for the parties state that these

proceedings are pending before learned Judicial Magistrate First Class, Aurangabad.

2 We have heard the learned counsel for the parties.

3 The FIR is lodged by the respondent No.2, who is husband of the applicant No.1. The applicant No.2 is the brother, the application No.3 is the father, the applicant No.4 is the mother and the applicant No.5 is the cousin of the applicant No.1. The allegations in the FIR are that there was domestic quarrel between the husband and wife. On 4th November, 2019, the applicant No.1 quarreled with the respondent No.2 and left the house. After some time, all the applicants came to the house of the respondent No.2 and he was assaulted with kicks, fist blows and other articles. On this basis, the FIR is lodged.

4 We have perused the injury certificates. The respondent No.2 has suffered four blunt traumas on forearm, head, cheek and leg. He has one CLW on right parietal region. All these injuries are described as simple injuries. Now, the matter is settled between the parties and the respondent No.2 has filed affidavit giving no objection for quashing of the FIR. It is mentioned in paragraph No.3 that due to intervention of the family members, relatives and friends, the parties have arrived at amicable settlement. In paragraph No.11, it is specifically mentioned that the respondent No.2 voluntarily consented

for quashing of the F.I.R. No.270 of 2019.

5 In this view of the matter, since the dispute and the incident is purely personal in nature and since no serious injuries were caused, we are inclined to allow this application. Hence, the following order:

ORDER

- I. The proceedings pending before learned Judicial Magistrate First Class, Aurangabad vide R.C.C. No.1455 of 2020, arising out of C.R. No.270 of 2019, registered at Harsul Police Station, Aurangabad, are quashed and set aside.
- II. Mr. A. K. Bhosle, learned counsel was appointed through Legal Aid. He shall be paid his professional fees in accordance with rules.
- III. The application is disposed of accordingly.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

nga