

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

CRIMINAL APPLICATION NO.3202 OF 2022

**SURYABHAN RUPAJI GONDE AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. S. S. Thombre
APP for Respondent No.1 - State : Mr. S. D. Ghayal
Advocate for Respondent No.2 : Mr. R. K. Kasat h/f. Mr. M. S. Karad

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**WITH
CRIMINAL APPLICATION NO.3203 OF 2022**

**VISHNU VASANT KANADE AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. R. K. Kasat h/f. Mr. Murlidhar S. Karad
APP for Respondent No.1 - State : Mr. M. M. Nerlikar
Advocate for Respondent No.2 : Mr. S. S. Thombre

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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 17 NOVEMBER 2022

PER COURT :

By way of these separate applications, applicants are seeking quashment of counter cases registered at the instances of respective respondent No.2, being Crime No.275 of 2022 for the offences punishable under sections 307, 324, 325, 326, 504, 506, 143, 147, 148 and 149 of Indian

Penal Code and being Crime No.274 of 2022 for the offences under sections 323, 324, 325, 326, 504, 143, 147 and 149 of Indian Penal Code, registered with the same police station one after the other.

2. Learned advocates for the applicants, who have appeared even for respondent No.2 in the other matter, have unanimously state that they have amicably settled the dispute. The genesis of dispute is same incident in which persons from both the sides had sustained injuries.

3. The First Information Reports were lodged one after the other. There are grievous injuries sustained by couple of persons; one person each in each of the crime. It is fracture of metatarsal and knee. Learned Advocates submit that due to intervention of the villagers, they have amicably settled the dispute and want the rival cases to be quashed and set aside. They submit that affidavits of all the persons including that of all the injured persons have been filed and the proceedings be quashed.

4. Learned APP submits that there are grievous injuries sustained by the injured persons in both the matters and the proceedings may not be quashed.

5. True it is that, one of the cases involves an offence punishable under sections 307 and 326 of Indian Penal Code.

6. However, the grievous injuries allegedly sustained are fractures of metatarsal i.e. extremities. If there was no previous animosity between the parties who are the villagers of the same village have decided to reach a settlement, refusing to concede to their request would potentially have a tendency of continuing the feud and it would have an adverse effect on the peace in the village.

7. We see no involvement of any public policy. The offences do not seem to have occurred with some pre-meditation.

8. We allow both the applications and quash and set aside the Crime Nos.275 of 2022 and 274 of 2022.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)