

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

63 CRIMINAL APPLICATION NO.3407 OF 2022

PAWAN SANJAY CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
AND

64 CRIMINAL APPLICATION NO.3427 OF 2022

VIKAS KALYAN CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for applicants in Appln No.3407/2022 : Mr. S.P. Rathod

Advocate for applicants in Appln No.3427/2022 : Mr. R.B. Ade

APPs for the respondent – State : Mr.G.O. Wattamwar & Mr.S.D. Ghayal

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

DATE : 14 NOVEMBER 2022

PC :

These are the applications made by the informant along with accused persons in respective counter cases being crime No.335/2021 and 337/2021 of Pachod Police Station, Dist. Aurangabad for the offences which are also similar namely under section 324, 323, 143, 147, 148 and 149 etc of the Indian Penal Code. They are jointly requesting for quashment of both the crimes in view of the amicable settlement between the parties.

2. We have heard both the sides.

3. We have also perused the affidavits of injured persons namely, Ashok Pandit Rathod, Sahebrao Shamrao Chavan and Ratan

Shamrao Chavan, wherein they have unanimously corroborated the stand of parties about matters having been amicably settled due to intervention of reputed and elderly persons in the village.

4. The learned APP submits that though the prosecution does not have objection for quashment of the crimes in view of the settlement of the disputes since there are no criminal antecedents; because of use of police machinery, which had to carry investigation and the fact that even this Court has been required to spend time to entertain these matters, this Court should pass appropriate orders and the applicants be made to compensate the State by way of certain costs.

5. As far as quashment of crimes on the basis of the amicable settlement is concerned, we see no criminal antecedents in the counter cases where most serious offence is under section 324 of the Indian Penal Code and no other heinous offence is involved. We find no sufficient and cogent reason to refute the request made by the parties.

6. As far as the request of the learned APP for compensating the State is concerned, we are surprised that the State is coming with such a request. It cannot be said that the parties have misused the process of law much less for some ulterior motive. There are counter cases apparently resulting into causing injuries to some persons from both the sides. They cannot be expected to anticipate that the matters

would be settled amicably in future. By no stretch of imagination, it can be said that they have misused the process of law and police machinery only on the ground that they have decided to settle the matters amicably now. The request is therefore rejected.

7. The applications are allowed.

The Crime No. 335/2021 registered at Pachod Police Station, Dist. Aurangabad, for the offences punishable under section 324, 323, 143, 147, 148 and 149 of the Indian Penal Code and subsequent chargesheet being No.12/2022 and R..C.C. No. 287/2022 pending in the Court of Judicial Magistrate, First Class, Paithan, Dist. Aurangabad and Crime No. 337/2021 registered at Pachod Police Station, Dist. Aurangabad for the offences punishable under section 324, 323, 143, 147, 148, 149, 504, 506, 427 of the Indian Penal Code and the subsequent chargesheet being No.8/2022 pending with the Court of Judicial Magistrate, First Class, Paithan, Dist. Aurangabad are quashed and set aside.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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