

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3321 OF 2021

ABDUL SHAHID MOHAMMAD FARUK KHAN AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Dhanraj S. Ingole h/f Mr. Nilesh S. Ghanekar

APP for Respondent No.1/State : Mr. S. D. Ghayal

Advocate for Respondent No.2 : Mr. R. P. Patwardhan

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

DATE : 14th JULY 2022.

Per Court :

1. Leave to amend to correct the prayer clause. Amendment shall be carried out forthwith.
2. This is an application for quashing of Sessions Case No.220/2019 pending before the Sessions Court, Aurangabad and Juvenile Case No.149/2018 pending before Juvenile Court, Aurangabad arising out of CR No.117/2017 registered with Jinsi Police Station, Aurangabad for offences punishable under Sections 307, 323, 338, 504, 201 read with 34 of Indian Penal Code.

3. The FIR is lodged by one Imtiyaz Mustaqeem. He has stated that on 24.01.2017, near Sikandar Hall, Baijipura, Aurangabad, all the Applicants met him and questioned about the some job related to his business, which he had done for lower costs. There are allegations against each of the Applicants of using iron rod and assaulting him. Imtiyaz's uncle Ashfaq was with him. He was also assaulted and then he ran away. Based on this, FIR was lodged.

4. Investigation was carried out and during investigation, statement of Ashfaq under Section 164 of Cr.P.C. was recorded. During that statement, he has described the assault on Imtiyaz alone. He has not specifically stated that he himself was also assaulted by the Applicants. In view of the settlement between the parties, it is not necessary to go into the details of the charge-sheet.

5. We have perused the Injury Certificate. There is no injury certificate in the charge-sheet as far as Ashfaq is concerned. Imtiyaz had suffered three injuries. First was Blunt Trauma on right leg. Second was Blunt Trauma on head and third was contused lacerated

wound on parietal region of head of the size 3x2x1 cm. All these injuries are described as simple injuries.

6. Today, learned Counsel for Respondent No.2 has tendered the affidavits affirmed by Imtiyaz and Ashfaq. The date of Imtiyaz's affidavit is 24.06.2022 and Ashfaq's affidavit is 08.07.2022. Both of them have stated that the parties are in the same business of making kitchen trolleys and they have decided to settle the dispute by way of compromise. Both of them have categorically stated that they do not want to proceed with the matter. The injuries are simple. The dispute is private between the parties therefore there is no impediment in permitting the settlement of these proceedings and they can be quashed. Hence the following order.

ORDER

- (i) The Criminal Application is allowed in terms of prayer clause 'B'.
- (ii) The Sessions Case No.220/2019 pending before the Sessions Court, Aurangabad and Juvenile Case

No. 149/2018 pending before Juvenile Court,
Aurangabad arising out of CR No.117/2017 registered
with Jinsi Police Station, Aurangabad, are quashed and
set aside.

(iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...