

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPLICATION NO.728 OF 2022

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|----|--------------------------|----------------|
| 1. | Varshabai Ravindra Patil | |
| 2. | Priya Pravin Patil | |
| 3. | Mahesh Raghunath Shinde | ...Applicants |
| | Versus | |
| 1. | State of Maharashtra | |
| 2. | Sr. Inspector of Police | |
| 3. | Ravindra Bhaskar Patil | ...Respondents |

Mr. Sandeep Mishra, for the Applicants.

Ms. S. D. Shinde, A.P.P for the Respondent Nos.1 and 2.

Mr. Pramod Kumar i/b Mr. Ankitkumar Pandey, for the Respondent No.3.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 11th NOVEMBER 2022

P.C. :

Mentioned out of turn.

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives

notice on behalf of the respondent Nos.1 and 2. Mr. Pramod Kumar waives notice on behalf of the respondent No.3.

3. By this application, preferred under Section 482 of the Criminal Procedure Code, the applicants seek quashing of the FIR bearing C.R. No. 157 of 2022 registered with the Kasarvadavali Police Station, Thane, at the behest of the respondent No.3, for the alleged offences punishable under Sections 323, 325 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute

4. Perused the papers. The applicant No.1 is the wife of the respondent No.3 and the applicant Nos.2 and 3 are the sister and brother of the applicant No.1 respectively. According to the respondent No.3, the applicant Nos.2 and 3 came to their house on 21st April 2022. It is alleged that on account of an incident, that took place between the parties on 22nd April 2022, the applicant No.3 gave a fist blow on the respondent No.3's eye, pursuant to which, the

aforesaid FIR was lodged. We are informed that till date, charge-sheet has not been filed in the said case.

5. During the pendency of the aforesaid C.R., the parties amicably settled their dispute, having regard to the relations between the parties.

6. The consent affidavit of the respondent No.3 dated 11th July 2022 duly affirmed before the notary, is at page 19 of the application. In the said affidavit, the respondent No.3 has stated that the applicants are related to him, inasmuch as, the applicant No.1 is his wife and applicant Nos.2 and 3 are his sister-in-law and brother-in-law respectively. He has stated that in view of the amicably settlement and the relations between the parties, he has no objection to the quashing of the aforesaid C.R. Learned Counsel for the respondent No.3 has tendered a self-attested xerox copy of the aadhar card of the respondent No.3. The same is taken on record. Learned Counsel for the respondent No.3 has identified the respondent No.3 and the

learned APP has verified the aadhar card of the respondent No.3. Respondent No.3 is present in Court. On questioning, he re-iterates what is stated by him in his affidavit.

7. *Prima facie*, taking the prosecution case as it stands, we are *prima facie*, of the opinion that no offence under Section 325 of the Indian Penal Code is made out, qua the applicants, inasmuch as, the respondent No.3 has not sustained any grievous injury.

8. Considering the nature of dispute, the relations between the parties, the amicable settlement between the parties, the consent affidavit of the respondent No.3 and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the application.

9. The application is accordingly allowed and the FIR bearing C.R. No. 157 of 2022 registered with the Kasarvadavali Police

Station, Thane, is quashed and set-aside.

10. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

11. All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.