

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

CRIMINAL APPLICATION NO.200 OF 2023

**NADIM SALAR SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. A. R. Hange, Advocate for the applicants
Mr. S. D. Ghayal, APP for the respondent/State

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R. M. JOSHI, JJ.**

DATE : 20th JANUARY, 2023

PER COURT :-

1. This is an application under Section 482 of the Code of Criminal Procedure for quashing FIR No. 243 of 2022 registered with Neknoor Police Station, Tq. And District Beed for the offences punishable under Sections 323, 326, 504, 506 read with 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the first information report lodged by the injured Wasim Mansub Shaikh. The first information report reveals that on 26th October, 2022 the applicants herein had abused and assaulted the respondent No.2. It is stated that one of the applicants had inflicted injury on his head by means of sword.

3. Learned counsel for the applicants and respondent No. 2 state that the parties have settled the dispute amicably. Learned counsel for respondent No.2 has placed on record affidavit of the respondent No.2 wherein he stated that the applicant Nos.1 and 2 are his cousins and applicant Nos. 3 and 4 are his uncles and that they have settled the dispute amicably. The respondent No.2 has stated that he does not want to pursue the criminal case against the applicants.

4. Respondent No.2 is present before the Court. He confirms the contents of the affidavit. He states that the matter has been amicably settled and he has no objection to quash the proceedings.

5. We have perused the records. Though the allegations are that the applicants had inflicted a blow of sword on the head of the respondent No.2, the medical certificate reveals that the injury was simple in nature and hence offence under Section 326 is not made out. We are satisfied that the settlement is voluntarily and genuine. Since the parties are related to each other and they have decided to put an end to the acrimony and wish to maintain cordial relationship with each other, we are of the view that, this is the fit case to exercise inherent powers under Section 482 of Cr.P.C. Hence the application is allowed. FIR No. 243 of 2022 registered with Neknoor Police Station, Tq. And District Beed

for the offences punishable under Sections 323, 326, 504, 506 read with 34 of the Indian Penal Code is hereby quashed subject to cost of Rs.5,000/- each by the respective parties to be paid to the High Court Bar Association Library, Aurangabad within two weeks.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

ssp