

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 600 OF 2022

Shaikh Mustakim Hamja and Ors ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. Saud A.N. Deshmukh, Advocate for the Applicants.

Mr. M.M. Nerlikar, APP, for the Respondent – State.

Mr. Ashraf Shaikh Patel, Advocate for the Respondent
No. 2.

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

DATE : JANUARY 27, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.

2. At the outset, learned Counsel for the Applicants states that R.C.C. No. 264/2021 is not yet committed and it is pending on the file of learned JMFC, Sillod. He, therefore, seeks leave to amend the prayer clauses 'B' and 'C'. Leave granted. Amendment to be carried out forthwith.

3. This is an application under Section 482 of Cr.P.C. to quash the FIR no. 118/2021 registered with

Sillod City Police Station and R.C.C. No. 264/2021 pending on the file of learned JMFC, Sillod for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.

4. The aforesaid crime was registered pursuant to the first information report lodged by the Respondent No.2. The FIR indicates that there was some dispute between the daughter of Respondent No. 2 and her husband, applicant no. 3 herein in view of which, the said Shaheen had gone to her parental home. The Respondent No. 2 has alleged that on 10.08.2022 when his daughter Shaheen had gone to matrimonial home to meet her minor daughter, the applicant no. 3 did not allow her to meet her daughter and assaulted her. It is alleged that when the complainant intervened, the applicant no. 4 assaulted him by means of knife and others assaulted him by kick and fist blows.

5. Learned Counsel for the Applicants and Respondent No. 2 state that the parties have settled the dispute amicably. They have placed on record the compromise terms signed by the Respondent No. 2 as well as by the applicants. The compromise terms indicate

that the matrimonial dispute between the applicant no. 3 and the daughter of the Respondent No. 2 has now been resolved and they are living together. The Respondent No. 2 as well as his daughter are present before the Court. They have confirmed the contents of this compromise deed and have given no objection to quash the first information report as well as criminal proceedings pending before the competent Court.

6. It may be noted that though the crime has been registered under Section 307 of the IPC, perusal of the injury certificate reveals that the injuries sustained by the Respondent No. 2 are simple in nature. The nature of the injuries as described in the injury certificate would indicate that the applicant no. 4 had not inflicted any forceful blow with an intent to cause death of the Respondent No. 2. Having gone through the record, we are satisfied that the offence under Section 307 of the IPC is not made out and the offence would be covered under Section 324 of the IPC which is compoundable.

7. We are also satisfied that the settlement is genuine and voluntary. The daughter of the Respondent

No. 2 has specifically stated that she is happily living with her husband and child in her matrimonial home and she has no complaints against her husband and his brothers.

8. Considering the above facts and circumstances and particularly the settlement between the parties, we are of the view that this is a fit case to exercise jurisdiction under Section 482 of Cr.P.C. to secure the ends of justice. Hence, the application is allowed in terms of prayer clause 'C'. Consequently, the FIR no. 118/2021 registered with Sillod City Police Station and R.C.C. No. 264/2021 pending on the file of learned JMFC, Sillod for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code are hereby quashed subject to payment of cost of Rs. 15,000/- to be paid by the Applicants herein to High Court Bar Association Library, Aurangabad within two weeks

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)