

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

CRIMINAL APPLICATION NO.865 OF 2023

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| 1. | Bharat Manohar Tawale |] | |
| | Age : 34 years, Occu. Agriculture, |] | |
| | R/o. Tawalwadi, Tq. Ashti, Dist. Beed. |] | |
| 2. | Laxman S/o Manohar Tawale, |] | |
| | Age : 37 years, Occu. Agriculture, |] | |
| | R/o. Tawalwadi, Tq. Ashti, Dist. Beed. |] | |
| 3. | Balu @ Balasaheb S/o. Kisan Murkute, |] | |
| | Age : 57 years, Occu. Agriculture, |] | |
| | R/o. Ghulewadi, Tq. Jamkhed, |] | |
| | Dist. Ahmednagar. |] | |
| 4. | Rambhau s/o. Bhausahab Bhosale, |] | |
| | Age : 57 years, Occu. : Agriculture, |] | |
| | R/o. Satefhal, Tq. Jamkhed, |] | |
| | Dist. Ahmednagar. |] | |
| 5. | Savlaram S/o. Bhausahab Bhosale, |] | |
| | Age : 54 years, Occu. : Agriculture, |] | |
| | R/o. Satefhal, Tq. Jamkhed, |] | |
| | Dist. Ahmednagar. |] | ... Applicants. |

Versus

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|----|--|---|-------------------------------|
| 1. | The State of Maharashtra, |] | |
| | Through Police Station Officer, |] | |
| | Police Station Ashti, |] | |
| | Tq. Ashti, Dist. Beed. |] | |
| 2. | Rambhau S/o. Manohar Tawale, |] | |
| | Age : 36 years, Occu. : Agriculture, |] | |
| | R/o. Tawalwadi, Tq. Ashti, Dist. Beed. |] | ... Respondents. |
| | | | (Resp.No.2 Orig. Complainant) |

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Advocate for Applicants : Mr. Mahesh P. Kale and Mr. Atul R. Muley
APP for Respondent No.1 – State : Mr. M. M. Nerlikar
Advocate for Respondent No.2 : Mr. N. N. Bhagwat
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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 12 APRIL 2023

PER COURT :

Applicants are seeking quashment of the Crime No.156 of 2021 registered with Ashti Police Station, Tq. Ashti, District Beed for the offences punishable under sections 307, 341, 147, 148, 149, 323, 504 and 506 of Indian Penal Code. Respondent no.2 is the original informant who lodged the FIR on the basis of which the crime was registered.

2. A request is made for quashing the crime on the basis of an amicable settlement arrived at between the applicants on the one hand and the respondent no.2, who incidentally happens to be the step brother of applicants No.1 and 2, on the other.

3. The allegations in the FIR are to the effect that due to a trifle reason of allowing cocks to enter into the field, it is alleged that, the applicant Nos.1 and 2 assaulted respondent no.2 with an iron rod and a sword.

4. Learned APP submits that it is a matter under section 307 of Indian Penal Code. The respondent no.2 had sustained three injuries of which two were on the vital part like head. Though injuries are simple, offence punishable under section 307 of IPC can be made out which does not necessarily require the victim to have sustained the grievous injury.

5. True it is that for invoking the offence under section 307 of IPC the nature of injury or for that matter even absence of injury is irrelevant.

6. But then, the prelude to the incident is trifling one. The parties are closely related. Though there is reference to use of sword, none of the injuries is compatible with a sword. All the three injuries are simple and caused by hard and blunt object. Though two of them are on the vital part had the impact been severe, in all probability, it would not have resulted in sustaining only simple injuries.

7. Be that as it may, there are no criminal antecedents. In our considered view, not even public policy is involved. It is an incident occurred for a trifling reason amongst the step brothers. If they have resolved to set at rest the dispute, allowing the applicants to face prosecution and trial would be an exercise in futility.

8. The application is allowed and the Crime bearing No.156 of 2021, dated 29.05.2021 registered with Ashti Police Station, Tq. Ashti, District Beed and case bearing Session Case No. 164 of 2021 pending on the file of Additional Sessions Judge, Beed are quashed and set aside.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

Tandale/-