

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

CRIMINAL APPLICATION NO.846 OF 2023

Bhausahab Bapu Arle

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. N.K. Tungar, Advocate for applicant
Mr. R.D. Sanap, A.P.P. for respondent No.1.
Mr. V.C. Patil, Advocate for respondent No.2.
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 30th JUNE, 2023

ORDER :

Heard. This application has been moved for quashment of F.I.R. No.I-52/2023, registered at Shevgaon Police Station, District Ahmednagar for the offences punishable under Sections 326, 341, 323, 504, 506 of the Indian Penal Code.

2. The relief is mainly sought on the ground of consent of the informant victim. Close reading of the F.I.R. indicates the applicant to have assaulted the informant with stick. The informant has filed his affidavit, giving express consent for allowing the present application. The record indicates that, the applicant was granted pre-arrest bail since the informant/ respondent No.2 had

given consent therefor. As such, allowing the investigation and consequential trial to proceed would be an exercise in futility. We are therefore, inclined to allow this application. Hence the order :

ORDER

- (i) The Criminal Application is allowed.
- (ii) The F.I.R. No. I-52/2023, registered at Shevgaon Police Station, District Ahmednagar for the offences punishable under Sections 326, 341, 323, 504, 506 of the Indian Penal Code is quashed, subject to payment of costs of Rs.10,000/- (Rupees ten thousand) to be paid by the applicant to the High Court Bar Library, Aurangabad within a period of one week from today.
- (iii) List the application for compliance of this order on 7th July 2023.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-