

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1469 OF 2023

Santosh S/o Laxmikant Kulkarni

.. Applicant

Versus

1] The State of Maharashtra
Through Police Inspector
Biloli Police Station, Biloli,
District Nanded

2] Madhav S/o Mariba Jadhav

.. Respondents

...
Advocate for applicant : Mr. R.S. Deshmukh, Sr. Advocate
i/b. Mr. Harshad H. Padalkar
APP for the respondent – State : Mr. V.S. Badakh
Advocate for the respondent no. 2 : Mr. G.A. Kulkarni
...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 26 APRIL 2023

ORDER (MANGESH S. PATIL, J.) :

Heard both the sides.

2. The applicant on one hand and even the respondent no. 2 who happens to be the original informant who lodged the FIR in crime no. 32 of 2021 with Biloli Police Station, District – Nanded for the offences punishable under section 294, 504, 506 of the Indian Penal Code and section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are seeking its quashment on the basis of the composition.

3. We have heard learned Senior advocate Mr. Deshmukh, learned APP and the learned advocate for respondent no. 2.

4. So far as the allegations in the FIR are concerned, it is being alleged that on the date of the incident, the applicants met the respondent no. 2 and hurled certain abuses on caste lines. When he started questioning them he was threatened. From the reading of this FIR and the statements of the witnesses recorded under section 164 of the Code of Criminal Procedure, though there are assertions about hurling of abuses on caste lines, no specific utterances have been mentioned except the name of the caste with a slang. It appears that the dispute between the two sides is a political one as can be noticed from the FIR and the statements of the witnesses.

5. Bearing in mind the observations in the matter of ***Ramawatar Versus State of Madhya Pradesh; 2021 SCC OnLine 966, Ramgopal and another Vs. State of Madhya Pradesh; 2021 SCC OnLine SC 834 and Hitesh Verma Vs. State of Uttarakhand and another; (2020) 10 SCC 710***, in our considered view, when for the reasons mentioned in the affidavit in reply filed by the respondent no. 2, they have decided to amicably settle the dispute now that they both belong to the same political party which was not the case when the FIR was lodged, coupled with the fact that there are no physical injuries

sustained by anybody, in our considered view, the proposed composition cannot be said to be against the public policy.

6. The application is allowed.

7. Crime no. 32 of 2021 registered with Biloli Police Station, District – Nanded for the offences punishable under section 294, 504, 506 of the Indian Penal Code and section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is quashed and set aside.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/