

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1436 OF 2021

Shaikhh Rajik s/o Shaikh Rauf
& others

Applicants

Versus

State of Maharashtra & another

Respondents

Mr. Shaikh Altamash Abdul L, Advocate for the applicants.

Mrs. V. N. Patil-Jadhav, APP for the State.

Mr. A. A. Khan, Advocate for respondent No. 2.

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

DATE : 23rd FEBRUARY, 2023.

PER COURT :

1. At the outset, learned counsel for the applicants seeks leave to amend prayer clause 'B' as to incorporate Sessions Case No. 103/2022.

2. Leave granted. Amendment be carried out forthwith.

3. This is an application under Section 482 of the Code of Criminal Procedure to quash First Information Report bearing Crime No. 96/2021 registered with Pishor Police Station, Tq. Kannad, Dist. Aurangabad and Sessions Case No. 103/2022 pending on the file of

Sessions Court, Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 341, 324, 323, 336, 504, 506, 188, 269, 270 of the Indian Penal Code, Section 51(b) of Disaster Management Act, 2005 and Section 135 of Maharashtra Police Act, 1951.

4. The aforesaid crime was registered pursuant to the First Information Report lodged by respondent No. 2. It was alleged that on 17th April, 2021, all these applicants formed an unlawful assembly armed with sticks and that they assaulted respondent No. 2 and others by sticks and stones. It was alleged that Mehmood Khan Daulat Khan Pathan, Fuzail Mehmoodkha Pathan and Hafiz Ayub Khan Pathan had sustained injuries in the said incident.

5. Learned counsel for applicants and respondent No. 2 state that the parties have settled the dispute amicably. They have decided to maintain peace and harmony and hence they do not wish to proceed with the criminal proceedings. Respondent No. 2 and all the injured persons have filed their respective affidavits wherein they have made a categorical statement that the matter has been amicably settled and that they have no objection to quash the criminal

proceedings. Respondent No. 2 and the injured witnesses are present before us. They confirm the contents of the affidavit and have accorded no objection for quashing the First Information Report.

6. We have perused the record. Though the applicants are also charged with offence punishable under Section 307 of the Indian Penal Code, the material on record, particularly injury certificate, reveals that the injuries sustained by the injured witnesses were simple in nature. Having gone through the entire record, in our considered view, the offence under Section 307 of the Indian Penal Code is not disclosed as against the present applicants. The other offences are private in nature. Learned APP states that there are not no criminal antecedents against the present applicants.

7. Since the parties have arrived at an amicable settlement and respondent No. 2 and other injured witnesses have given no objection for quashing the proceedings, in our considered view, it would be a fit case to exercise jurisdiction under Section 482 of the Code of Criminal Procedure to secure the ends of justice. Hence, application is allowed. First Information Report bearing Crime No. 96/2021 registered with Pishor Police Station, Tq. Kannad, Dist.

Aurangabad and Sessions Case No. 103/2022 pending on the file of Sessions Court, Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 341, 324, 323, 336, 504, 506, 188, 269, 270 of the Indian Penal Code, Section 51(b) of Disaster Management Act, 2005 and Section 135 of Maharashtra Police Act, 1951. stand quashed subject to payment of cost of Rs. 15,000/- by the applicants within two weeks. The amount of cost be paid to Advocates' Associations' Library, High Court,Aurangabad.

(R. M. JOSHI)
Judge

(SMT. ANUJA PRABHUDESSAI)
Judge

dyb