

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

926 CRIMINAL APPLICATION NO. 2122 OF 2022

**SANDIP ASHOK BAMBHARKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. C. C. Deshpande
APP for Respondent No.1-State : Mr. P. G. Borade
Advocate for Respondent No.2 : Mr. S. R. Wakale

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927 CRIMINAL APPLICATION NO. 2123 OF 2022

**ABHIMANYU RAJUMAMA JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

.....

Advocate for Applicants : Mr. S. R. Wakale
APP for Respondent No.1-State : Mr. S. D. Ghayal
Advocate for Respondent No.2 : Mr. C. C. Deshpande

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

DATE : 28 FEBRUARY 2023

PER COURT :-

1. At the outset, learned counsel for the applicants in both the applications seek leave to amend the prayer clause “B” as to incorporate R.C.C. number.
2. Leave granted. Amendment to be carried out forthwith.

3. These applications are filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the FIR No.362/2022 registered with Tofkhana Police Station and the consequent R.C.C. No. 1422 of 2022 pending on the file of learned CJM, Ahmednagar for the offences punishable under Sections 394, 354-B, 452, 504, 506 of IPC as well as the FIR No.365/2022 registered with Tofkhana Police Station and the consequential R.C.C. No. 1621 of 2022 pending on the file of learned CJM, Ahmednagar for the offences punishable under Sections 143, 147, 323, 392, 397, 427, 506 of IPC and Sections 4 and 25 of the Arms Act.

4. Learned counsel for the applicants in the respective applications state that both the parties have settled the dispute amicably. They have filed affidavits of respondent no.2 and the other injured in the respective applications. Learned counsel for the applicants state that there is no material on record to show that the applicants in Criminal Application No. 2123 of 2022 are involved in the offence under Section 397 of IPC. Learned APP also concedes that there is no recovery of any ornament or any other article allegedly stolen by the applicants in the said application.

5. We have perused the records and considered the submissions advanced by learned counsel for the respective parties. Records reveal that the aforestated crimes were registered pursuant to the First Information Reports

lodged by respondent no.2 in the respective applications. A perusal of the First Information Reports in both these applications reveal that the applicants in the respective applications were involved in assaulting each other. Though respondent no.2 in Criminal Application No. 2123 of 2022 has alleged that applicant Rajumama had snatched his gold chain and mobile handset, learned APP states that the gold ornament and mobile handset has not been recovered from any of the applicants. It is further to be noted that though respondent no.2 Sandip has alleged that the applicants had tried to give him electric shock, the medical certificate indicates that he has not sustained any such injury. The medical report reveals that respondent no.2 Sandip has sustained displaced fracture of nasal bone and all other injuries were simple in nature. The medical certificate also reveals that there were no burn injuries and the injuries sustained by said Sandip were caused by hard and blunt object. Considering the above circumstances, in our considered view, offence under Section 397 of IPC is not made out.

6. The other offences are private in nature. Respondent no.2 in respective applications have filed their affidavits wherein they have stated that they have settled the dispute amicably and have given their no objection to quash the criminal proceedings lodged against each other. The parties who were present before us have confirmed the contents of the affidavits. In our considered view, this is a fit case to exercise the discretion under Section 482 of Cr.P.C.

7. In the result, the applications are allowed in terms of respective prayer clause “B”. The FIR No.362/2022 registered with Tofkhana Police Station and the consequential R.C.C. No. 1422 of 2022 pending on the file of learned CJM, Ahmednagar for the offences punishable under Sections 394, 354-B, 452, 504, 506 of IPC, as well as the FIR No.365/2022 registered with Tofkhana Police Station and the consequential R.C.C. No. 1621 of 2022 pending on the file of learned CJM, Ahmednagar for the offences punishable under Sections 143, 147, 323, 392, 397, 427, 506 of IPC and Sections 4 and 25 of the Arms Act, stand quashed subject to payment of costs of Rs.25,000/- (Rupees Twenty Five Thousand only) by the applicants in the respective applications. The costs to be deposited in the bank A/c No.01811000053339 of Snehalaya, Ahmednagar maintained by the HDFC Bank, Market Yard Branch [IFSC : HDFC0000181 Samadhan Dhalgude Sup. Snehalaya (9011026493)] within two weeks.

8. Both the applications are accordingly disposed off.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

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