

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

CRIMINAL APPLICATION NO. 2553 OF 2022

**SURESH BABURAO SATHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Mr R. D. Biradar
APP for Respondent – State : Mr. R. V. Dasalkar
Advocate for Respondent No.2 : Mr. A. V. Indrale Patil

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

DATED : 02 MAY 2023

PER COURT :

Heard both the sides and the learned APP.

2. By resorting to section 482 of the Code of Criminal Procedure the applicants are seeking quashment of Crime No. 89 of 2022 registered with Ambajogai City Police Station on 04.03.2022 for the offences punishable under sections 143, 147, 148, 149, 324, 323, 504, 506 of Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(1)(f) and 3(1)(g) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “SCST Act”) and the subsequent charge-sheet and the Special Session Case No. 47 of 2022 pending on the file of District and Sessions Court at Ambajogai.

3. On last date, the applicants on the one hand and the respondent no.2 on the other hand had filed terms of compromise duly affirmed by all of them setting out the terms of settlement for making a joint request for quashment of the crime. Since there were couple of other injured individuals, namely, Pradip Dhondiram Kopale and Dhondiram Dadarao Kopale, we had solicited their consent. Today their affidavits have also been placed on record duly affirmed before the Section Officer of this Court consenting for quashment.

4. As can be discerned from the FIR and the papers in the charge-sheet, the incident seems to have occurred without premeditation, but because of the long standing dispute between the two families, who are owners of adjoining lands, on account of boundary dispute. The terms of settlement expressly state their agreement as to how they intend to go about and undertake the measurement. Thus, it does appear that the genesis for the incident is a boundary dispute.

5. Though there are three injured individuals, we have gone through their injury certificates and find that none of them had sustained serious/grievous injuries. No sharp weapons were used. Some abrasions and blunt trauma were noticed caused by hard and blunt object.

6. Though the offence includes the offence under the special statute like SCST Act, in our considered view, taking into account the background on which the incident had taken place and the intention of the parties to go for a measurement to resolve all the disputes amicably, in our considered view, the proposed settlement cannot be said to be against public policy or with some ulterior motive. The substantive offence under IPC is not that serious.

7. Though the prosecutor points out that applicants Suresh Baburao Sathe and Santosh Suresh Sathe are involved in some crimes, but those were registered way back in the year 2002 and 2005 and did not contain any serious offence or offence under special statute.

8. The learned advocate for the applicants, on instructions, also submits that both of them have been acquitted.

9. The application is allowed and the Crime bearing No. 89 of 2022 and criminal case bearing Special Session Case No. 47 of 2022 are quashed and set aside.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)