

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

CRIMINAL APPLICATION NO.3073 OF 2022

JABIN BEGUM W/O. NISAR KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. H.I. Pathan, Advocate for the Applicants.
Mr. A.R. Kale, APP, for the Respondent – State.
Mr. P.V. Ambade, Advocate for the Respondent No.

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

DATE : JANUARY 18, 2023

PER COURT :

1. At the outset, learned Counsel for the Applicants seeks leave to amend the prayer clause 'B' as to incorporate R.C.C. No. 132/2022 & R.C.C. No. 120/2022 in respect of both the crimes which are sought to be quashed and the Courts before the said criminal cases are pending.

2. Leave granted. Amendment to be carried out forthwith.

3. By this application filed under Section 482 of Code of Criminal Procedure, the applicants have sought to quash crime no. 272/2021 registered with Akhada Balapur police station and R.C.C. No. 132/2022 for the

offences punishable under Sections 323, 324, 504, 506 read with Section 34 of the Indian Penal Code and Crime No. 273/2021 registered with Akhada Balapur police station and R.C.C. No. 120/2022 pending on the file of learned JMFC, Kalamnuri for the offences punishable under Sections 147, 148, 319, 323, 324, 326 read with Section 149 of the Indian Penal Code.

4. Respondent nos. 2 to 5 are the accused in crime no. 272/2021 whereas the Applicants are the accused in crime no. 273/2021. Crime no. 272/2021 was registered pursuant to the first information report lodged by the Applicant no.2 – Alimoddin Sidiqui whereas Crime No. 273/2021 was registered pursuant to the first information report lodged by the Respondent no.2 – Ansar Khan. A perusal of the first information reports reveals that there was a free fight between both the groups in which both parties had sustained injuries.

5. Learned Counsel for the Applicants and learned Counsel for Respondent nos. 2 to 5 state that the parties are related to each other and that both the parties had indulged in assaulting each other over

civil dispute. It is stated that the Applicants as well as Respondent nos. 2 to 5 have now resolved the dispute amicably and have decided to maintain cordial relations with each other.

6. The Applicants as well as the Respondent nos. 2 to 5 are present before the Court. They state that they want to maintain good relations with each other and they have settled the dispute amicably. The Applicants as well as the Respondent nos. 2 to 5 have further stated that they have no objection to quash the FIR lodged against each other.

7. It is stated that the applicants and respondents have no criminal antecedents. The parties are related to each other. They have settled the dispute amicably and want to put an end to the litigation and are making endeavour to maintain cordial relations with each other. We are satisfied that the settlement is voluntary and genuine. Considering the nature of the offence and the fact that the parties have resolved the dispute amicably, we are of the view that this would be a fit case to exercise discretion under Section 482 of Cr.P.C.

8. Hence, the application is allowed in terms of prayer clause 'B'. Consequently, crime no. 272/2021 registered with Akhada Balapur police station for the offences punishable under Sections 323, 324, 504, 506 read with Section 34 of the Indian Penal Code and Crime No. 273/2021 registered with Akhada Balapur police station for the offences punishable under Sections 147, 148, 319, 323, 324, 326 read with Section 149 of the Indian Penal Code and subsequent criminal proceedings bearing R.C.C. No. 132/2022 & R.C.C. No. 120/2022 pending on the file of learned JMFC, Kalamnuri are hereby quashed subject to cost of Rs. 10,000/- paid by Applicants and Respondents respectively to the High Court Bar Association Library, Aurangabad within two weeks from today.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)