

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

CRIMINAL WRIT PETITION NO.1529 OF 2022

PAPPU @ ANIL HARICHANDRA GITE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. R. R. Karpe, Advocate for the Petitioners.
Mr. P. G. Borade, APP, for the Respondent – State.
Mr. S. D. Munde, Advocate for the Respondent No. 2.

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

DATE : FEBRUARY 08, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.

2. This Petition is filed under Article 226 & 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure to quash the FIR bearing C.R. No. 261/2016 registered with Karjat Police Station, R.C.C. No. 9/2014 for the offences punishable under Sections 326 read with Section 34 of the IPC and Criminal Appeal No. 161 of 2019 pending on the file of learned Additional Sessions Judge, Shrigonda.

3. The crime against the Petitioner was registered pursuant to the FIR lodged by the Respondent

No. 2. The Respondent No. 2 had alleged that on 13.11.2013 at about 5 p.m. the Petitioner herein had assaulted him by kicks, fist and stick blows due to which he had sustained grievous injuries. Pursuant to the FIR lodged by the Respondent No.2, the aforestated crime came to be registered and upon investigation, charge-sheet came to be filed before learned JMFC, Karjat. Upon considering the evidence adduced by the prosecution, learned JMFC held Petitioner guilty of the offence punishable under Section 326 read with 34 of IPC and sentenced him to undergo rigorous imprisonment of three years with fine of Rs. 5,000/-, in default to undergo rigorous imprisonment for three months. The Petitioner assailed the said judgement in Appeal No. 161/2019 which is pending before the learned Additional Sessions Judge, Shrigonda.

4. Learned Counsel for the Petitioner and the Respondent No. 2 state that during the pendency of the said appeal, the parties have arrived at an amicable settlement. Learned Counsel state that the Respondent No. 2 has no objection to quash the first information report as well as criminal case decided by the learned

Magistrate. The Respondent No. 2 has filed his affidavit wherein he has stated that they have settled the dispute due to the intervention of elderly persons in the village. He has stated that both parties want to maintain peace and harmony in the village.

5. The Respondent No. 2 is present before the Court. He confirms the contents of the affidavit-in-reply and reiterate that they have resolved the dispute amicably and since they are from the same village, they want to lead their life in peace and harmony. Learned APP states that both parties have no criminal antecedents.

6. We are satisfied that the settlement is voluntary and genuine. Considering the nature of the offences as well as statement made by the Respondent No. 2 and the principles laid down by the Hon'ble the Apex Court in the case of Ram Avatar Vs. State of Madhya Pradesh reported in (2021) SCC OnLine 966, in our considered view this is a fit case to exercise powers under Section 482 of Cr.P.C. to secure the ends of justice.

7. In the result, the Petition is allowed in terms of prayer clause 'B'. The FIR bearing C.R. No. 261/2016 registered with Karjat Police Station & R.C.C. No. 9/2014 for the offences punishable under Sections 326 read with Section 34 of the IPC are hereby quashed. Consequently, the judgement and order of conviction dated 30.07.2019 passed by the learned JMFC, Karjat is also quashed and Criminal Appeal No. 161/2019, stands disposed of subject to payment of cost of Rs. 15,000/- by the respective parties (i.e., the Applicants and the Respondent No.2) to the High Court Bar Association Library, Aurangabad within two weeks.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)