

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

CRIMINAL APPLICATION NO.4304 OF 2022

**BHAUSAHEB RANGANATH KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

WITH

CRIMINAL APPLICATION NO.4275 OF 2022

**MANOJ TUKARAM CHIKTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. M. S. Karad, Advocate h/f Mr. S. S. Thombre, Advocate for the applicants

Ms. V. N. Patil-Jadhav, APP for the respondent/State

Mr. V. A. Mundhe, Advocate for respondent No. 2

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

DATE : 31ST JANUARY, 2023

PER COURT :-

1. With consent, heard finally at the stage of admission.
2. By these applications, filed under Section 482 of Cr.P.C. the applicants have sought to quash Crime No. 119/2018 registered at Phulambri Police Station, Tq. Phulambri, Dist. Aurangabad and R.C.C. No. 196/2018 pending before learned JMFC, Phulambri, Dist. Aurangabad for the offences punishable under Sections 324, 323, 504, 506 read with 34

of the IPC and FIR No.120/2018 registered at Phulambri Police Station, Dist. Aurangabad and Sessions Case No. 254/2018 pending before the learned Addl. Sessions Judge, Aurangabad for the offences punishable under Sections 307, 326, 325, 324, 143, 147, 148, 149, 504 of IPC and under Section 135 of Bombay Police Act.

3. The Crime No. 119 of 2018 was registered pursuant to the first information report lodged by Bhausahab Kadam whereas Crime No. 120/2018 was registered pursuant to the first informant report lodged by Manoj Chikte, respondent No.2 in respective criminal applications. A perusal of the first information report in the respective applications reveal that there was free fight between both the groups and they had assaulted each other. Learned counsel for the applicants and respondent No.2 in respective applications have stated that the applicants and respondent No.2 are neighbours and that they have settled the dispute amicably. They have stated that they do not wish to proceed against each other and has given no objection to quash the first information report and the consequent criminal proceedings pending before the JMFC and learned Addl. Sessions Judge.

4. It is to be noted that though the applicants in Criminal Application No. 4304 of 2022 are alleged to have committed offence

under Section 307 of IPC, on going through the records, particularly the medical certificate it is seen that the injury sustained by Manoj Chikte was simple in nature. The medical certificate indicates that the blow inflicted on Manoj was not forceful which fact indicates that there was no intention to cause death of the respondent No.2- Manoj Chikte. Hence in our considered view offence under Section 307 of IPC is not made out. The offence at the most would be under Section 324 of IPC.

5. The dispute is of private nature. Considering the fact that the parties have settled the dispute amicably and also in view of the fact that the applicants do not have criminal antecedents, in our considered view, this would be a fit case to exercise inherent powers under Section 482 of Cr.P.C. as to enable the parties to live peacefully.

6. Hence the applications are allowed. Crime No. 119/2018 registered at Phulambri Police Station, Tq. Phulambri, Dist. Aurangabad and R.C.C. No. 196/2018 pending before the JMFC, Phulambri, Dist. Aurangabad for the offences punishable under Sections 324, 323, 504, 506 read with 34 of the IPC and FIR No.120/2018 registered at Phulambri Police Station, Dist. Aurangabad and Sessions Case No. 254/2018 pending before the learned Addl. Sessions Judge, Aurangabad for the offences punishable under Sections 307, 326, 325, 324, 143,

147, 148, 149, 504 of IPC and under Section 135 of Bombay Police Act are hereby quashed subject to cost of Rs.10,000/- to be paid by the respective applications, to the High Court Bar Association Library, Aurangabad within two weeks.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

ssp