

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1860 OF 2022

Shiva s/o Dharmendra Tak & ors. ... PETITIONERS

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

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Mr. A.L. Kanade, Advocate for petitioners

Mr. P.G. Borade, A.P.P. for respondent No.1.

Mr. Moinpasha Shaikh, advocate for respondents No.2 and 3

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

DATE : 24th FEBRUARY, 2023

P.C. :

This is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure to quash First Information Report bearing Crime No.422/2019, registered with Nanalpeth Police Station, District Parbhani and the consequential Sessions Case No.58/2021, pending before the learned Sessions Judge, Parbhani for offence punishable under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the First Information Report lodged by the respondent No.2,

wherein he has alleged that on 15/10/2019 the petitioners and the co-accused Abhimanyu had assaulted him and one Sachin by means of knife and a stick. It is further stated that, the petitioners herein had also abused and threatened to kill. Based on these allegations, the aforesaid crime came to be registered.

3. Learned counsel for the petitioners and respondent No.2 stated that the parties have settled the dispute amicably. The complainant as well as the injured Sachin have filed their affidavit, wherein it is stated that they have resolved the dispute amicably and that they have no objection to quash the First Information Report as well as the Sessions Case arising therefrom. The respondent No.2 and the injured Sachin are present before us. They have confirmed the contents of the affidavit. They confirm that the dispute has been amicably settled and they have no objection to quash the proceedings.

4. It may be mentioned that though the crime is also under Section 307 of the Indian Penal Code, on going through the records including the medical certificate, it is seen that the injuries sustained by the respondent No.2 and the other injured witness Sachin were simple in nature. The material on record does not prima facie disclose commission of offence under

Section 307 of the Indian Penal Code. The other offences are of private in nature. It is also seen that the proceedings are also quashed against the co-accused Abhimanyu by order dated 17/8/2021 in Criminal Application No.2236/2020.

5. Considering the nature of offence as well as settlement arrived at between the parties, in our considered view, this would be a fit case to exercise our powers under Section 482 of the Code of Criminal Procedure. Hence the petition is allowed. The First Information Report bearing Crime No.422/2019, registered with Nanalpeth Police Station, District Parbhani and the consequential Sessions Case No.58/2021, pending before the learned Sessions Judge, Parbhani for offence punishable under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code are quashed qua the present applicants subject to payment of costs of Rs.15,000/- (Rupees fifteen thousand) to be paid by the applicants to Dattaji Bhale Blood Bank, Dr. Hedgewar Hospital Parisar, Aurangabad, which is stated to be run by an N.G.O. to assist Thalassemia patients, within two weeks from today.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-