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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 24th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 42159 of 2023

BETWEEN:-

1. **BALVEER @ KALU AHIRWAR S/O SHRI PRABHU AHIRWAR, AGED ABOUT 46 YEARS, OCCUPATION: AGRICULTURIST RESIDENT OF VILLAGE BANOLI, POLICE STATION GAURAGHAT, DISTRICT DATIA (MADHYA PRADESH)**
2. **SATENDRA @ SOHAIL AHIRWAR (MINOR THROUGH FATHER BALVEER @ KALU AHIRWAR) S/O SHRI BALVEER AHIRWAR, AGED ABOUT 15 YEARS, OCCUPATION STUDENT, R/O VILLAGE BANOLI, POLICE STATION GAURAGHAT, DISTRICT DATIA (MADHYA PRADESH)**
3. **JEETENDRA AHIRWAR S/O LATE SHRI PRABHUDAYAL AHIRWAR, AGED ABOUT 34 YEARS, R/O VILLAGE BANOLI, POLICE STATION GAURAGHAT, DISTRICT DATIA (MADHYA PRADESH)**

.....PETITIONERS

(SHRI NAVAL KISHOR GUPTA- ADVOCATE FOR PETITIONERS)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GAURAGHAT DISTRICT DATIA (MADHYA PRADESH)**
2. **SHANKAR SINGH DANGI S/O SHRI SUKH SINGH DANGI, AGED ABOUT 48 YEARS, R/O VILLAGE BANOLI POLICE STATION GAURAGHAT, DISTRICT DATIA (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI LOKENDRA SHRIVASTAVA- PUBLIC PROSECUTOR FOR
RESPONDENT NO.1 STATE AND SHRI AKARSH CHOURASIA- ADVOCATE
FOR COMPLAINANT- RESPONDENT NO.2)**

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This application coming on for hearing this day, the court passed the following:

ORDER

This petition under section 482 of Cr.P.C. has been filed by petitioners seeking quashment of FIR pertaining to Crime No.14 of 2023 registered by PS Goraghat, District Datia for offences punishable under Sections 324, 323, 294, 506 r/w Section 34 of IPC and added Section 326 of IPC with all consequential proceedings thereto.

As per prosecution case, injured- complainant Sankar Singh Dangi reported to Sub-Inspector of Police, PS Goraghat, District Datia on 23-01-2023 alleging that on 23-01-2023 around 06:30 in the evening he was sitting in front of hut (*mud-house*) of Ramsahay Dangi. Satendra alias Sohail Ahirwar, Balveer alias Kalu Ahirwar and Jitendra Ahirwar (petitioners) came there and all three of them started abusing him in filthy language due to old enmity. When he refused to abuses, Balveer alias Kalu Ahirwar caught hold of him and Jitendra Ahirwar started beating him with kicks and fists. Satendra alias Sohail Ahirwar assaulted with iron rod on his head. He sustained injury. His son Abhishek and Vinay Dangi came to the spot and rescued him. All accused fled away from the spot after giving threat to kill him. His son Abishek and Vinay Dangi took him to District Hospital, Datia. He was referred to Gwalior. On such allegations, FIR at Crime No.14 of 2023 was registered by PS Goraghat for offences punishable under Sections 324, 323, 294, 506, 34 of IPC against Balveer Ahirwar, Satendra Ahirwar and Jitendra Ahirar (petitioners). As per medico-legal examination conducted at District Hospital Datia, injuries sustained by complainant Shankar Singh Dangi were opined to be simple in nature caused by hard and blunt object. Thereafter, as per his CT Scan conducted at Gwalior, communited

fracture was seen in right parietal bone with fracture fragment causing compression over underlying parenchyma with SAH and hemorrhagic contusion with EDH. Therefore, prosecution under Section 326 of IPC as added. Statements of the witnesses were recovered. Relevant seizures were made. Investigation is underway.

During pendency of this petition, along with the petition under Section 482 of CrPC both the parties have jointly filed IA No. 17338 of 2023 stating that dispute between the parties has been resolved and they have entered into compromise with no intention to pursue the matter further. Application is supported by affidavits of the petitioners- accused and complainant- injured Shankar Singh Dangi.

In compliance of order dated 27-10-2023 passed by this Court, the factum of compromise has been verified by Principal Registrar of this Court, who has recorded statement of complainant respondent No.2 Shankar Singh Dangi as well as petitioners- accused and has submitted a report on 22-11-2023 that the parties have arrived at compromise voluntarily without any threat, inducement or coercion.

In cases of **Jagdish Channa & others Vs. State of Haryana & another (AIR 2008 SC 1968)**, **Madan Mohan Abbot Vs. State of Punjab (AIR 2008 SC 1969)**, **Shiji Vs. Radhika & Another (2011) 10 SCC 705**, and **Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466**, Hon'ble Supreme Court has laid down that even in non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the Court can be saved and utilized in other material cases.

So far as offence punishable under Section 326 of IPC is concerned, placing reliance on the decision of Supreme Court in **Ramgopal and Another**

Vs. State of M.P. and Krishnappa and Ors Vs. State of Karnataka in Cr.Appeal Nos.1489 of 2012 and 1488 of 2012, learned Counsel for the petitioners submits that there was only one injury found on the head of injured, which was star shaped. The nature of injury does not correspond to injury by iron rod, rather it relates to defence of the accused that injury was caused by fall of stone piece from the roof of hut. Further, no other physical or external injury found on the body of complainant- Shankar Singh Dangi, belies the allegation that all the accused have assaulted with iron rod and kicks and fists. No grievous hurt as defined under Section 320 of IPC was caused to complainant injured. Therefore, indulgence is sought in the matter to quash impugned FIR with all consequential proceedings thereto.

Learned counsel appearing for Complainant does not dispute about the compromise entered into between the parties.

Heard learned Counsel for the parties.

Considering the nature of dispute as well as the facts and circumstances of case, this Court is of the opinion that both the parties may be permitted to settle their dispute although communicated fracture was seen in the right parietal bone of complainant-injured. But the shape of injury raises reasonable doubt on the veracity of allegations. Be that as it may, the genesis of dispute shows that the petitioners have not acted in a premeditated brutal manner. The offence does not involve moral turpitude. Accused have not taken any undue advantage or acted against the law before or after the incident. No criminal antecedent or past conviction is alleged against the petitioners. There is nothing on record that the compromise would have harmful effect on the social and moral fabric of the society. It has no bearing on public order. The parties at their own volition,

without any coercion or compulsion wish to accord a quietus to the dispute. Both the parties are residents of same Village, therefore, amicable settlement of criminal proceedings would advance peace and harmony between the families.

(Narinder Singh v. State of Punjab, (2014) 6 SCC 466; Ram Gopal and Another Vs. State of M.P. order dated 29.09.2021 in Criminal Appeal No.1489 of 2012 relied upon.)

Consequently, in view of law laid down by Supreme Court in the above-cited cases, by invoking inherent jurisdiction under Section 482 of CrPC, this Court allows this MCRC with direction that the proceedings of FIR pertaining to Crime No.14 of 2023 registered by PS Goraghat, District Datia for offences punishable under Sections 324, 323, 294, 506 r/w Section 34 of IPC and added Section 326 of IPC against the present petitioners are hereby **quashed** with all consequential proceedings thereto.

This petition filed under Section 482 of CrPC stands **disposed of** in the aforesaid terms.

Office to send a copy of this order to Police Station concerned for necessary information.

CC as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

MKB