



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1031 CRIMINAL APPLICATION NO. 1164 OF 2023

VIVEK VASANT PATOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicants : Mr. Manoj A. Dond
APP for the respondent – State : Mr. G.A. Kulkarni
Advocate for respondent no.2 : Mr. A.B. Jagtap h/f. Mr. S.S. Wagh
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 25 JANUARY 2024

PC :

Heard both sides.

2. The applicants are seeking quashment of crime no. 846 of 2022 registered with Newasa Police Station for the offences punishable under section 307, 323, 324, 326, 504, 506 r/w. 34 of the Indian Penal Code.

3. The respondent no. 2 and the applicants have filed affidavits expressly stating the reasons as to why they have amicably settled the dispute and the respondent no. 2 expressly giving consent for quashment of the crime.

4. The learned APP opposes the request for quashment of the crime on the basis of such settlement by referring to paragraph

no. 61 of ***Gian Singh Vs. State of Punjab and another; (2012) 10 SCC 303***, which he would read out to us. In addition, he would submit that a wrong signal would be passed on to the society, if such a serious crime is allowed to be settled. There is injury on the vital part. The injuries are grievous and the request may be rejected.

5. Having heard both the sides and having considered carefully the guidelines in paragraph no. 61 of ***Gian Singh*** (supra), in our considered view, the present matter stands out on peculiar footing.

6. Applicants and the respondent no.2 are near relatives. The applicant no. 3 is the real sister of the respondent no. 2. Applicant no. 1 is her husband and the applicant no. 2 is the mother in law. As can be made out from the FIR, on account of some money transaction of some paltry amount of Rs.20,000/- that there was some dispute between the two sides. The incident apparently had taken place without any premeditation and on the spur of the moment. Though there are couple of injuries sustained by the respondent no. 2; one on the temporal and other on the left leg knee and femur, only the latter injury apparently is a grievous one in the form of fracture albeit even the first injury is stated to be a grievous but not disclosing the particulars.

7. Since it is a sort of family dispute between the near relatives, in our considered view, allowing the prosecution to go on,

would result in losing an opportunity to the family members who are ready to forget and forgive. It would be in the interest of members in the family that irrespective of the fact that one of the injury is grievous, we are inclined to accept the request of the applicants.

8. The application is allowed in terms of the settlement.

9. Crime no. 846 of 2022 registered with Newasa Police Station for the offences punishable under section 307, 323, 324, 326, 504, 506 r/w. 34 of the Indian Penal Code, is quashed and set aside.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/