



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1830 OF 2024

KIRAN WAMAN CHABUKSWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for petitioner : Mr. Nisargraj B. Garje
APP for the respondent – State : Mr. S.S. Dande
Advocate for respondent no. 2 : Mr. J.S. Kadam
...

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

DATE : 10 MAY 2024

PC :

Heard the learned advocate for the applicant, learned APP and the learned advocate for respondent no. 2.

2. The applicant and the respondent no. 2 seem to have amicably settled the dispute. The latter has filed affidavit in reply expressly giving consent for quashing the crime.

3. The learned APP opposes the request by pointing out that applicant has criminal history. He has been involved in four serious crimes earlier and has been acquitted in only one of them.

4. Having heard both the sides and having borne in mind the parameters laid down in the matter of ***Gian Singh Vs. State of Punjab; 2012 (10) SCC 303 and Narinder Singh and others Vs.***

State of Punjab and others; (2014) 6 SCC 466, we are of the concerned view that the circumstances in which the incident had taken place, which had apparently taken place all of a sudden and the injury is said to have been caused by a stone lying nearby indicating that there was no pre-meditation and it was preceded by some verbal altercation, in our considered view, crimes registered against the applicant would not prevent us from accepting the request for quashing the crime on the basis of the stand.

5. Application is allowed.

6. Crime no. 242 of 2016 registered with Mukundwadi Police Station, District Aurangabad for the offences punishable under section 324, 323, 504 of the Indian Penal Code, chargesheet no. 298 of 2018 and Regular Criminal Case no. 594 of 2019 pending on the file of the learned Chief Judicial Magistrate, Aurangabad, District - Aurangabad are quashed and set aside.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/