

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

958 CRIMINAL APPLICATION NO. 1919 OF 2024

1. Pawan Shankar Hatkar
2. Sachin Shankar Hatkar ..Applicants

Versus

1. The State of Maharashtra and Another ..Respondents

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Mr. Suniket A. Kulkarni and Ms. Rutuja L. Jakhade, Advocate for Applicants

Mr. G. A. Kulkarni, APP for Respondent No.1 / State

Mr. Awez S. Shaikh h/f. Mr. C. B. Chaudhari, Advocate for Respondent No.2

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**CORAM : R. G. AVACHAT AND
NEERAJ P DHOTE, JJ.**

Dated : July 30, 2024

PER COURT :-

1. This is the Application under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for quashing the FIR bearing Crime No.181/2024 registered with Shirpur City Police Station, Dist. Dhule for the offence punishable under Sections 307, 365, 427, 452, 504, 506 r/w. Section 34 of the Indian Penal Code (hereinafter referred to as the 'I.P.C.').

2. Heard learned Advocate for the Applicants, learned APP for the State and learned Advocate for Respondent No.2 / Informant. Perused the papers on record and the papers made available by the

learned APP.

3. The aforesaid crime is registered against the Applicants on the Report lodged by Respondent No.2. On 01.04.2024 the Applicants went to the house of the Informant. At that time, the Informant was not present at home. The Informant's brother called him over the mobile and asked him to come home immediately. Informant reached home. The Applicants told him that the Informant's brother Akshay had kidnapped their sister and until their sister comes back, they will not spare anyone. The Applicants caught hold the Informant's brother - Pawan and assaulted him with fists and damaged the flower pot (कुंडी) and household articles. Applicant No.1 assaulted the Informant's brother Pawan with wooden stick and then Applicants took Pawan with them on motorcycle. Though the Informant and neighbourer tried to intervene, the Applicants threatened them with dire consequences. Thereafter the Informant went in search of brother - Pawan. After some time, Pawan was found injured at the side of road. He was taken to the hospital for medical treatment. The matter was reported to the police and the crime was registered.

4. It is the submission of learned Advocate for the Informant / Respondent No.2 that the Informant / Respondent No.2 do not wish to pursue with the aforesaid crime and parties have amicably settled the

matter. Learned Advocate for the Applicants submits that in view of Affidavit-in-reply of Informant / Respondent No.2, the Application be allowed.

5. The said contentions are opposed by learned APP. He submits that considering the nature of offence, the Application deserves to be rejected.

6. Respondent No.2 / Informant has tendered his affidavit-in-reply on record. It is stated therein that due to some misunderstanding the FIR came to be lodged and now the dispute was amicably settled and he do not want to pursue with the Report. It is stated that continuing with the Prosecution will affect their future and create bitterness between them. It is stated that the aforesaid crime be quashed and set aside. The papers show that the Informant's brother who was injured was discharged on the very next day after receiving the medical treatment. The injuries as seen from the Injury Certificate were in the nature of three (3) abrasions and one (1) contusion. In view of the contentions made in the affidavit-in-reply of the Informant / Respondent No.2, no useful purpose would be served by allowing the prosecution to proceed further against the Applicants. Thus, in the given facts and the circumstances of the case, we allow the Application with the following order:

ORDER

(i) The Application is allowed in terms of prayer clause 'B' subject to costs of Rs.50,000/- (Rs. Fifty Thousand Only) to be paid by the Applicants to the office of High Court Legal Services, Sub-Committee, Aurangabad within a period of two (2) weeks from today.

(ii) Criminal Application be listed after a period of two (2) weeks for reporting compliance.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP