



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 1315 OF 2024**

1. Ahamad S/o. Mustafa Shaikh,
Age : 45 years, Occ : Labour,
 2. Altaf S/o. Ahamad Shaikh,
Age : 17 years, Occ : Education,

Under guardian of his father i.e.
Petitioner No. 1
 3. Eliyaz S/o. Ahamad Shaikh,
Age : 19 years, Occ : Education,

No.1 to 3 R/o. Village Shivni Bk.,
Tq. Ausa, Dist. Latur.
 4. Feroz S/o. Rahematulla Sayyed
Age : 40 years, Occu. Labour,
R/o. Village Dapkyal, Tq. Chakur,
Dist. Latur.
- ..Petitioners

Versus

1. State of Maharashtra
 2. Samshoddin S/o0. Mustafa Shaikh,
Age : 31years, Occ. : Pvt. Service,
R/o. Shivni Bk., Tq. Ausa,
Dist. Latur.
- ..Respondents

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Mr. Tukaram Maruti Venjane, Advocate for the Petitioners.

Mrs. P. R. Bharaswadkar, APP for Respondents-State.

Mrs. Namita P. Thole, Advocate for Respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 10th SEPTEMBER, 2024.

P.C.

1. The present petition has been filed under Article 226 of the Constitution of India for quashing FIR vide Crime No.195/2024 dated 08.05.2024 registered with Ausa Police Station, Tal. Ausa,

Dist. Latur for offences punishable under Sections 326, 324, 323, 504, 34 of the Indian Penal Code.

2. The parties have arrived at settlement. The affidavit has been filed on behalf of respondent no.2 and injured. The injured is wife of respondent no.2. As regards to the injured is concerned, the injuries to her appears to have lead to offence under Section 326 of the Indian Penal Code. The copy of medical certificate made available by the learned APP would show that wife of respondent no.2 had suffered two injuries i.e. (i) CLW at forehead 8 cm x 3 cm (regular margin), the nature of injury is stated to be grievous and (ii) fracture to the right shoulder (non-displaced), nature of the said is stated to be grievous.

3. As per affidavit on record and even the contents of the FIR, it can be seen that accused persons i.e. present petitioners are related to respondent no.2. The dispute appears to be personal and as per affidavit, it arose due to sudden provocation. The learned APP confirms that there are no criminal antecedents of the petitioners. The petitioners as well as respondent no.1 and family members want to live in peace in future. The undertaking has been given on behalf of the petitioners that they will not indulge in illegal activities, therefore, taking into consideration all these aspects, case is made out for exercise of powers for quashing FIR. However, we would impose cost for utilizing machinery. Hence, following order:

ORDER

- a. Writ Petition is allowed.
- b. The FIR vide Crime No.195/2024 dated 08.05.2024 registered with Ausa Police Station, Tal. Ausa, Dist. Latur for offences

punishable under Sections 326, 324, 323, 504, 34 of the Indian Penal Code stands quashed and set aside as against petitioner nos.1 to 4.

c. The petitioners to deposit amount of Rs.40,000/- to the High Court Legal Services Authority, Aurangabad on or before 27.09.2024. This condition is pre-condition for quashing FIR.

d. Place the matter on 01.10.2024 for compliance.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE