



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

CRIMINAL APPLICATION NO.2451 OF 2019

- 1) Shaikh Nabi S/o Shaikh Karim,
Age-35 years, Occu:Labour,
R/o-Old Naregaon,
Taluka and District-Aurangabad,
- 2) Shubham S/o Kallyan Adane,
Age-20 years, Occu:Student,
R/o-Pokhari, Taluka and
District-Aurangabad,
- 3) Vaibhav S/o Haribhau Jog,
Age-22 years, Occu:Student,
R/o-Pokhari, Taluka and
District-Aurangabad,
- 4) Sanjay S/o Rambhau Bhone @ Bhune,
Age-38 years, Occu:L.I.C. Agent,
R/o-Shivajinagar, Garkheda Parisar,
Aurangabad.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Station Harsul,
Aurangabad, Taluka and
District-Aurangabad,
- 2) Nasim S/o Farid Patel,
Age-24 years, Occu:Agriculturist,
R/o-Patel Galli, Harsul,
Taluka and District-Aurangabad.

...RESPONDENTS

...
Ms. Surekha G. Chincholkar Advocate for Applicants.
Mr. A.V. Lavte, A.P.P. for Respondent No.1.
Mr. V.C. Solshe Advocate for Respondent No.2.
...

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

DATE : 16th OCTOBER, 2024

ORDER :

1. Present Application has been filed for quashing the First Information Report (for short "the FIR") vide Crime No.94 of 2019 dated 7th April 2019 registered with Harsool Police Station, Aurangabad for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and under Section 4 and Section 25 of the Indian Arms Act, 1969, as against the applicants.

2. The applicants and respondent No.2 have entered into compromise. The terms of compromise are produced on record. Those terms have been verified by the learned Registrar (Judicial) on 10th October 2024 and the report has been produced.

3. We have considered the investigation papers made

available. It appears that the investigating officer has reached to the conclusion that the informant was annoyed due to the dispute with the accused and therefore, he has falsely implicated the accused persons and therefore, "B" Final has been submitted before the learned Judicial Magistrate First Class, Aurangabad on 1st November 2019. Surprisingly, it appears that the learned Judicial Magistrate First Class has not passed final order in respect of the same, as the copy of the said order has not been made available and it is stated that the proceedings are at the stage of appearance. When the investigating officer himself had come to the conclusion that there is no evidence for prosecuting the applicants, and even in his statement under Section 164 of the Code of Criminal Procedure, respondent No.2 had stated that there is compromise that had taken place between him and the accused persons and the injuries caused to him were in the wrestling practice; we take this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure.

4. Learned Advocate for the applicants has also submitted that applicant No.1 was involved in two cases, however, in one case under Section 160 of the Indian Penal Code, he had pleaded guilty and by Judgment dated 25th March 2021, he was

sentenced to pay fine of Rs.100/-. In respect of another case i.e. R.C.C. No.554 of 2013, applicant No.1 has been acquitted on 3rd December 2015. Therefore, there is absolutely no hurdle in exercising powers in respect of all the applicants. Hence, the following order:

ORDER

(I) The Application stands allowed.

(II) The First Information Report vide Crime No.94 of 2019 dated 7th April 2019 registered with Harsool Police Station, Aurangabad for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Indian Arms Act, 1969 stands quashed and set aside as against applicant Nos. 1 to 4 i.e. 1) Shaikh Nabi S/o Shaikh Karim, 2) Shubham S/o Kallyan Adane, 3) Vaibhav S/o Haribhau Jog and 4) Sanjay S/o Rambhau Bhone @ Bhune.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE