

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3559 OF 2024

Shivaji Ankush Hegade & Ors. Petitioners
versus
The State of Maharashtra & Ors. Respondents
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- Mr. Ganesh Bhujbal, Advocate for Petitioners.
- Mr. Vinod Chate, APP for the State/Respondent.
- Mr. Ranjeet H. Patil, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.
DATE : 17th OCTOBER, 2024**

P.C. :

1. The present Petition is filed for quashing of the offence registered vide C.R. No.924/2020 registered with Indapur police station, Pune (Rural) for the offence punishable u/s 307, 323, 504, 506, 269, 270, 143, 147, 148 r/w 149 of the Indian Penal Code, u/s 4 and 25 of the Arms Act and u/s 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SCST Act').
2. The investigation in this case is over. The charge-sheet is filed and at present the trial is pending vide the Special Case No.12 of 2021 before the Special Court/Additional Sessions

Court, Baramati. The Petitioners have prayed for quashing of these proceedings.

3. Heard Mr. Ganesh Bhujbal, learned Counsel for the Petitioners, Mr. Ranjeet H. Patil, learned counsel for the Respondent No.2 and Mr. Vinod Chate, learned APP for the State.
4. The FIR is lodged by the Respondent No.2 Vilas Shende. He was having a business of purchasing Pomegranate at Shivleela Fruit Market, village Galandwadi. The Respondent No.3 was having business of selling boxes required for sale of fruits. They had their business places in the same premises. The Petitioners were working as commission agents in the same business. The incident occurred on 02/09/2020 at about 11.30 a.m. The Petitioners and two others entered the informant's office and started demanding their commission. They started shouting. One Abhijeet Avaghade told them to go out of the offices. There are allegations that the Petitioner Sagar Hegde removed a sharp weapon and gave a blow on Abhijeet's head. The Petitioner Appa Vyavhare removed a knife and gave a blow on Abhijeet's thigh. When the informant tried to intervene, the

Petitioner Sagar gave a blow of sharp weapon on his right hand. The others intervened. The Petitioners threatened the informant and Abhijeet and then went away. On this basis, the FIR is lodged.

5. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains statement of eyewitnesses Rohit Sonawane, Anil Shende etc. The statement of injured Abhijeet was also recorded. All these statements are consistent with the narration in the FIR.

6. On the last occasion, this Court had directed the Medical Officer to submit explanation in respect of the nature of injuries suffered by the Respondent No.2 Vilas and the Respondent No.3 Abhijeet. Out of these two injured, the Respondent No.3 belongs to a Scheduled Caste and therefore provisions of SCST Act were applied. Today the explanation is tendered before the Court. It is taken on record. It is submitted by the Medical Officer attached to Sub-District Hospital, Indapur. The injury certificate shows that the Respondent No.3 Abhijeet had suffered one CLW on parieto occipital region and one CLW on his right thigh. The Medical Certificate describes

both these injuries as simple injuries. Vilas has suffered CLW on the right palm. It is also described as simply injury. Since the section 307 of the IPC was applied, the explanation offered by the Medical Officer was important. In that opinion it was mentioned that when Abhijeet was brought to the hospital, he was clinically stable and he was observed for three days. It is specifically mentioned that though the injury was situated over head, but clinically it was a simply injury. However, at the request of his relatives he was referred for CT brain. It was also mentioned that the Respondent No.2 Vilas had suffered a simple injury. Thus, it is quite clear from the explanation that both the injured Respondent Nos.2 and 3 have suffered simple injuries. The accused had not inflicted more blows, though they had opportunity. Therefore at this stage there is scope to believe that the offence u/s 307 of IPC is not made out.

7. Both the Respondent Nos.2 and 3 have filed their separate affidavits in this Court. The Respondent No.2 Vilas has stated in his affidavit that he and the accused were from the same village and were relatives of each other. The dispute was

settled with the intervention of common friends and elders in the society and well-wishers. The misunderstanding is resolved and no controversy remains between them. He has given consent for quashing of the complaint.

8. Similarly, the Respondent No.3 has also stated that Vilas and the Petitioners were from the same business circle and even he himself had settled the matter amicably. He had no objection for quashing of the complaint. The Respondent Nos.2 and 3 are present before the Court. They are identified by their counsel. Both of them submitted before the Court that whatever was stated in the affidavit was correct and they have no objection for quashing of the proceedings. Learned APP also submitted that in view of the statement, the proceedings could be quashed. In this context a reference can be made to the observations to the Hon'ble Supreme Court in the case of ***Ramavatar Vs. State of Madhya Pradesh***, as reported in **(2022) 13 SCC 635** where it was observed that the proceedings could be quashed u/s 482 of Cr.P.C. involving the offence under the SCST Act, if the Court is satisfied that it was primarily a private

dispute and underlying objective of the Act would not be contravened if the proceedings are quashed.

9. The matter is settled between the parties and all of them are residents of the same village. They have resolved their dispute with the intervention of the elders in the society. Thus, continuation of this proceeding will only give rise to further disputes. Therefore, in the interest of justice, the Petition can be allowed. The FIR and all the consequential proceedings can be quashed.

10. Hence, the following order :

ORDER

- (i) The proceedings arising out of the C.R. No.924/2020 registered with Indapur police station, Pune (Rural) and the consequential Special Case No.12 of 2021 before the Special Court/Additional Sessions Court, Baramati, are quashed and set aside.
- (ii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)