



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.921 OF 2025

1. Shri. Ajay @ Pappu Mhasu Sonawane
Age: 52 years, Occu.: Agriculture,

2. Shri. Satish s/o Mahsu Sonawane
Age: 69 years, Occu.: Agriculture
Both R/o. Govindnagar, Sakri,
Taluka Sakri, District Dhule

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Sakri Police Station,
Tq. Sakri, District Dhule.

2. Kamala Bherumal Mewani,
Age: 54 years, Occu.: Household,
R/o. Govindnagar, Sakri,
Tq. Sakri, District Dhule.

.. Respondents

...
WITH

CRIMINAL APPLICATION NO.1711 OF 2024

1. Anil s/o Bhairumal Mewani
Age: 50 years, Occu.: Business,
R/o. Govind Nagar, Sakri,
Tq. Sakri, District Dhule.

2. Kamla D/o Bhairumal Mewani
Age: 55 years, Occu.: Business,
R/o. Govind Nagar, Sakri,
Tq. Sakri, District Dhule

.. Applicants

Versus

1. The State of Maharashtra
Through the P.I. of Sakri Police
Station, Sakri.

2. Ajay s/o Mhasu Sonawane
Age: 48 years, Occu.: Labour,
R/o. Bhadane, Tq. Sakri,
District Dhule.

.. Respondents

...
Mr. Parth S. Salunke, Advocate h/f Mr. N. N. Desle, Advocate for the applicants in Criminal Application No.921 of 2025.

Mr. H. V. Tungar, Advocate for the applicants in Criminal Application No.1711 of 2024.

Mr. A. D. Wange, APP for respondent No.1/State in Criminal Application No.921 of 2025.

Mrs. R. P. Gour, APP for respondent No.1/State in Criminal Application No.1711 of 2024.

...

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 18 MARCH 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present applications are in respect of cross FIRs registered with Sakri Police Station, Taluka Sakri, District Dhule. Hence, taken up together.

2. Criminal Application No.921 of 2025 has been filed for quashing the proceedings in R.C.C. No.67 of 2023 pending before the learned 2nd Judicial Magistrate First Class, Sakri, Taluka Sakri, District Dhule arising out of the FIR vide Crime No.26 of 2023 dated 21.01.2023 registered with Sakri Police Station, Taluka Sakri, District Dhule for the offences punishable under Sections 323, 324, 504, 506, 509 read with Section 34 of Indian Penal Code, whereas Criminal Application No.1711 of 2024 has been filed for quashing the FIR i.e. Crime No.19 of 2023 registered with Sakri Police Station, Taluka Sakri, District Dhule as well as the proceedings in R.C.C. No.280 of 2023 pending before the learned Judicial Magistrate First Class, Sakri for the offences punishable under

Sections 324, 323, 504 read with Section 34 of Indian Penal Code.

3. In both the matters the parties have arrived at the settlement. The settlement deed/affidavit has been produced on record in Criminal Application No.1711 of 2024. The said terms of compromise mentions both the matters. It has been stated that due to the misunderstanding amongst them, the dispute had cropped up, but now it has been resolved and they have no grudge against each other. We take that every compromise may not be allowed and will not result in quashment of the FIR and the proceedings, but for that purpose, the facts are required to be considered, especially in Crime No.19 of 2023. It is initially stated in the FIR that the assault was due to wooden stick which caused injury to head and fracture to the leg. The Medico Legal Certificates from Desle Hospital has been collected. It shows that the injury was fracture to right distal fibula and it was a grievous injury. The ingredients of Section 326 of Indian Penal Code require that the grievous hurt should be by dangerous weapons or means and to be precise, the grievous hurt should be by any instrument of shooting, stabbing or cutting or any instrument, which used as weapon of offence, which likely to cause death etc. Here, perusal of the charge-sheet would show that what has been recovered is 2 ft. Bambu stick having 1 inch diameter. There is no certificate of the medical officer as to whether death would have been caused due to such weapon and, therefore, all the ingredients of Section

326 of Indian Penal Code are not made out.

4. In both the cases, the offence, that is stated to have been committed, is under Section 324 of Indian Penal Code. Here, the weapon, which is used is stick. Again the same interpretation would be there as regards stick, as it is not an instrument of shooting, stabbing or with which death can occur. Therefore, taking into consideration this background, certainly, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure, when the parties have settled their disputes. However, since both the parties have utilized the machinery, cost is required to be imposed. Hence, the following order :-

ORDER

- I) Both the Criminal Applications stand allowed.
- II) The proceedings in R.C.C. No.67 of 2023 pending before the learned 2nd Judicial Magistrate First Class, Sakri, Taluka Sakri, District Dhule arising out of the FIR vide Crime No.26 of 2023 dated 21.01.2023 registered with Sakri Police Station, Taluka Sakri, District Dhule for the offences punishable under Sections 323, 324, 504, 506, 509 read with Section 34 of Indian Penal Code, stands quashed and set aside as against the applicants in Criminal Application No.921 of 2025.

III) The FIR i.e. Crime No.19 of 2023 registered with Sakri Police Station, Taluka Sakri, District Dhule as well as the proceedings in R.C.C. No.280 of 2023 pending before the learned Judicial Magistrate First Class, Sakri for the offences punishable under Sections 324, 323, 504 read with Section 34 of Indian Penal Code, stand quashed and set aside as against the applicants in Criminal Application No.1711 of 2024.

IV) The applicants in Criminal Application No.921 of 2025 as well as the applicants in Criminal Application No.1711 of 2024 to deposit cost of Rs.10,000/- each with the High Court Legal Services, Sub Committee, Aurangabad on or before 04.04.2025.

V) Place the matter for compliance on 09.04.2025.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm