



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4792 OF 2024

1. Mahendrasing Paulad Girase
(Deleted as per order dated 11.12.2024)
2. Ramsing Bhata Girase
3. Nikhil s/o Narayan Girase
4. Gopal s/o Narayan Girase
5. Vikalp Ramsing Girase
6. Rohit Ramsing Girase
7. Bhushan Sattar Girase
8. Shubham Mohansing Girase
9. Narayan Bhata Girase
10. Ishwar Gorakh Girase
11. Mohan Gorakh Girase

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Parola Police Station, Parola,
Taluka Parola, District Jalgaon.
2. Mahendrasing Paulad Girase
(Added as per order dated 11.12.2024)

.. Respondents

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Mr. S. V. Suryawanshi, Advocate for the applicants.
Mr. G. A. Kulkarni, APP for respondent No.1/State.
Mr. D. P. Munde, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 22 JANUARY 2025

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

. Present application has been filed under Section 482 of the
Code of Criminal Procedure for quashing the FIR vide Crime

No.270 of 2024 registered with Parola Police Station, Taluka Parola, District Jalgaon for the offences punishable under Sections 189(2), 189(4), 191(1), 191(3), 190, 115(2), 118(1), 352, 351(2), 329(4), 119(1), 151(3) of Bhartiya Nyaya Sanhita, 2023. It will not be out of place to mention here that even original informant was made as applicant No.1. Then he has been transposed as respondent No.2 as per order dated 11.12.2024. It is also to be noted that now there is a compromise between the informant and the applicants and on that count, quashment of the FIR has been sought.

2. Heard learned Advocate Mr. S. V. Suryawanshi for the applicants, learned APP Mr. G. A. Kulkarni for respondent No.1/State and learned Advocate Mr. D. P. Munde for respondent No.2.

3. The applicants and respondent No.2 state that respondent No.2/informant lodged report due to misunderstanding especially in respect of 30 gms gold chain and cash of Rs.2,600/-. He had then immediately gone to the investigating officer after he found the chain and money and accordingly, his statement has been recorded. They say that all the dispute between them have been

resolved due to intervention of the relatives and respectable persons from the village. The dispute was predominantly private in nature and they want to keep the relationship.

4. At the outset, we would like to say that merely because the compromise has arrived at between the parties, the FIR cannot be quashed. The facts are required to be considered. Respondent No.2 informant lodged report on 21.08.2024 stating that he runs a shop of agricultural implements and he also gives the implements on credit to his customers since 2012. Applicant No.2 has taken certain agricultural implements in 2021 on credit and since then the informant was demanding the amount outstanding. When the informant was proceeding around 10.00 a.m. on 19.08.2024, applicant No.2 met him and, therefore, informant asked him to clear his dues. Thereupon, applicant No.2 got annoyed and told him that he will settle entire account by eliminating him. However, the informant then went to his shop. Around 6.50 p.m. on the same day, all the applicants went to the shop of the informant, started abusing him and asking as to why he is demanding the amount. Informant told that he is having all the information towards the dues. At that time, all the accused started beating him with fists and kicks. Accused Nikhil and

Gopal gave blows of fighter on the head, forehead, stomach, chest of the informant. The quarrel was separated by one Mahendra Girase, but then all the applicants went inside the shop of the informant and started assaulting him again. At that time, accused Nikhil and Gopal had taken 30 gms. gold chain from his neck and cash amount of Rs.2,600/- from his pocket. Again the dispute was separated. Informant went to the police station, who was then referred to Primary Health Centre, Parola. He was then advised to take treatment in a big hospital, therefore, informant went to Siddheshwar Hospital, Dhule, where he was admitted and then he has lodged the report.

5. We had called the police papers, taking into consideration the documents produced as well as the fact that the informant had given the statement that he had received gold chain and cash under a *Supurdnama*. It appears that on 18.09.2024, the informant had given supplementary statement stating that after he had resumed his routine in the shop after treatment, when he was doing cleaning work in the shop, he found the gold chain and cash of Rs.2600/-. As those articles were missing he was under the impression that accused would have taken those articles. There is statement of the servant of the informant on the same

line. The medical certificate says that there is simple injury to the informant.

6. Therefore, taking into consideration all these aspects, there is no hurdle in accepting the compromise. The dispute appears to be personal and it has now been resolved. However, it is to be noted that missing of the gold article and cash and then suddenly finding it, does not appear to be normal. Anyway, the informant went on to make allegations punishable under Section 119 of Bhartiya Nyaya Sanhita, 2023 for voluntary causing hurt or grievous hurt to extort property, when his property was not taken away at all and therefore, we impose cost on him also. The entire machinery has been used and now for their own purposes, the applicants and respondent No.2 have settled the dispute. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR vide Crime No.270 of 2024 registered with Parola Police Station, Taluka Parola, District Jalgaon for the offences punishable under Sections 189(2), 189(4), 191(1), 191(3), 190, 115(2), 118(1), 352, 351(2), 329(4), 119(1),

151(3) of Bhartiya Nyaya Sanhita, 2023, stands quashed and set aside as against applicant Nos.2 to 11, subject to deposit of cost of Rs.50,000/- by all the applicants and amount of Rs.20,000/- by respondent No.2 with the Registry i.e. the Committee consisting of learned Registrar (Administration) of the High Court, Bench at Aurangabad and the Medical Officer of the High Court Medical Dispensary, Aurangabad on or before 07.02.2025.

III) We clarify that in case of failure on the part of the applicants and respondent No.2 to deposit the said amount within the aforesaid period, the FIR would stand revived and in that case the investigating officer would be at liberty to carry out the investigation and take further legal step.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm