
(2012) 11 BOM CK 0151

In the Bombay High Court

Case No : Criminal Application (Apl) No. 633 of 2012

Devidas Ramadhan Rathod and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 06-11-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 142, 147, 148, 149, 294

Citation : (2013) ALLMR(Cri) 1260

Hon'ble Judges : P.V. Hardas, J;A.P. Bhangale, J

Bench : Division Bench

Advocate : F.T. Mirza, for the Appellant; T.A. Mirza, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P.V. Hardas, J.—We admit this application u/s 482 of the Code of Criminal Procedure and hear it finally. By this application u/s 482 of the Code of criminal Procedure, the applicants who are complainant and accused, seek quashing of First Information Report dated 4.9.2012 on the basis of which offences vide Crime No. 133/2012 had been registered under Sections 142, 147, 148, 149, 323, 326, 294, 506 and 448 of the Indian Penal Code by Police Station, Mangrulpeer, District Washim.

2. Applicant no. 1 is the complainant who had lodged the First Information Report while applicants no. 3 to 6 are the accused. Applicant no. 2 is an injured witness who had sustained the injuries at the time of the incident.

3. Be that as it may, by this application, the applicants pray for quashing of the aforesaid First Information Report on the ground that the parties to the dispute have arrived at an amicable settlement of their dispute and they do not wish to proceed further with the case. Since the dispute has been settled, according to us, the outcome of the trial is settled as the trial would not result in conviction in any of the case. The parties to this application have filed individual affidavit

evidencing settlement of the dispute and they desire not to proceed with the trial. In that light of the matter, therefore, we allow this application. Accordingly, the application is allowed and First Information Report dated 4.9.2012 on the basis of which offences vide Crime No. 133/2012 had been registered under Sections 142, 147, 148, 149, 323, 326, 294, 506 and 448 of the Indian Penal Code by Police Station, Mangrulpeer, District Washim, is hereby quashed. In the circumstances, there shall be no order as to costs.