
(2011) 07 BOM CK 0083

In the Bombay High Court

Case No : Criminal Application No. 1969 of 2011

Vasant Devidas Rathod, Kailash Sapkal, Shankar Ingole and
Raghunath Ahirrao

APPELLANT

Vs

The State of Maharashtra and Baban Pathade

RESPONDENT

Date of Decision : 27-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 392, 504

Citation : (2012) BomCR(Cri) 206

Hon'ble Judges : Shrihari P. Davare, J

Bench : Single Bench

Advocate : Narwade Narayan B., app, for the Appellant; Y.M. Kshirsagar, for R1
and S.D. Kotkar, for R2, for the Respondent

Final Decision : Allowed

Judgement

Shrihari P. Davare, J.—Heard learned Counsel for the parties.

2. RULE. Rule made returnable forthwith. With the consent of the parties, taken up for final hearing.

3. Learned Counsel Mr. Kotkar filed vakalatnama for Respondent No. 2 and same is taken on record.

4. By the present application, filed by the applicants u/s 482 of the Code of Criminal Procedure, the applicants prayed that First Information Report bearing Crime No. I37/2011, registered at Waluj Police Station, Aurangabad for the offences punishable under Sections 392, 323, 504 of Indian Penal Code dated 30.3.2011 be quashed and set aside.

5. It is the grievance of the Respondent No. 2, i.e. original complainant that he was serving as a driver of acting Member of Parliament namely Chandrakant Khaire and on 30.3.2011 he was at Gangapur and after finishing programme at about 7.00 a.m. he was driving the vehicle namely Tata Vingar, which was not

registered and not having registration from the R.T.O. and near the Toll Plaza (Naka), at Limbe Jalgaon, he stopped the vehicle and stated to the person, who was there on the toll plaza for the collection of the toll that wife of Chandrakantji Khaire (M.P.) is sitting in the vehicle, and vehicle is belonging to the Member of Parliament, however, it is alleged that , there upon the applicants asked him to show the identity card as well as assaulted the complainant and also to the ladies. It is also alleged that one of accused entered into the vehicle and took away amount of Rs. 2,000/and ran away. Hence, on the basis of aforesaid information, First Information Report came to be lodged and crime was registered against the applicants on 30.3.2011.

6. It appears that during the pendency of the present petition, compromise took place between the applicant Nos. 1 to 4 herein and Respondent No. 2 i.e. original complainant and they have settled the matter amicably. Pursuant to the said settlement applicants and Respondent No. 2 have filed compromise purshis today in the Court. The applicant Nos. 1 to 4 as well as Respondent No. 2 are present in the Court in person. They admitted the contents of the said compromise purshis as well as their respective signatures thereon. Moreover, Mr. Narvade, leaned counsel also signed for the applicants as well as Mr. S.D. Kotkar also signed for Respondent No. 2, thereon. Applicants 1 to 4 and Respondent No. 2 admit the contents of the said compromise purshis as well as their respective signatures 5 thereon. Accordingly, said compromise purshis is taken on record and marked as document "X" for identification purpose.

7. Said compromise purshis recites that applicants No. 1 to 4 are the employees of K.T. Construction India Ltd and working on the Toll Plaza and after lodging of the complaint, it reveals that due to the sudden provocation, the complaint came to be lodged and now they have settled the dispute and no longer they want to proceed against each other as applicants and Respondent No. 2 developed the friendly relations. It also reveals that dispute arose is purely personal in nature and at present applicants and Respondent No. 2 had withdrawn the allegations against each other. They also undertook that applicants and Respondent No. 2 will not create the litigations against each other and they would reside amicably and in cooperation with each other. Moreover, the applicants and Respondent No. 2 undertook to respect said compromise purshis. Accordingly, applicants and Respondent No. 2 prayed that in the light of the aforesaid facts and circumstances, First Information Report bearing Crime No. I37/2011, 6 registered at Waluj Police Station, Aurangabad for the offences punishable under Sections 392, 323, 504 of Indian Penal Code dated 30.3.2011 on the basis of report lodged by Respondent No. 2, be quashed and set aside in view of the said compromise.

8. Considering the contents of the compromise purshis, it is apparently clear that applicants No. 1 to 4 and Respondent No. 2 original complainant have resolved the dispute amicably and therefore, there is no propriety in proceeding with trial in pursuance of Crime No. I37/2011. Moreover, it is also apparently clear that,

prosecuting trial on the basis of said First Information Report, would be futile exercise, since now the complainant has no grievance against the applicants herein. Hence, in view of the said position, application deserves to be allowed and First Information Report bearing Crime No. I37/2011, registered at Waluj Police Station, Aurangabad for the offences punishable under Sections 392, 323, 504 of Indian Penal Code dated 30.3.2011 deserves to be quashed and set aside invoking the provisions of Section 482 of Criminal 7 Procedure Code, to meet the ends of justice and to keep and maintain the harmony between the parties.

9. In the result, present Criminal Application is allowed in terms of prayer clause [B] thereof and First Information Report bearing Crime No. I37/2011, registered at Waluj Police Station, Aurangabad for the offences punishable under Sections 392, 323, 504 of Indian Penal Code dated 30.3.2011 lodged by Respondent No. 2 i.e. original complainant stands quashed and set aside u/s 482 of the Code of Criminal Procedure. Rule is made absolute accordingly. Office to inform the concerned police station to that effect.