

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 717 OF 2015

BHAVANIDASRAO BHALCHANDRARAO KULKARNI
AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Rajendrraa S. Deshmukkh

APP for Respondent No. 1 : Mr. A. G. Magare

Advocate for Respondent No. 2 : Mr. R. J. Nirmal

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.

Dated: November 30, 2015

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PER COURT :-

1. Mr. Deshmukh, learned counsel submits that in fact the criminal case filed against the present petitioners under Sections 420, 468, 471, 409 r.w. 34 of I.P.C. is erroneous. In fact, it was a civil dispute between the parties which was given the colour of criminal matter. The learned counsel submits that subsequent to filing of the complaint, the parties have settled the matter and respondent No.2-original complainant has also filed affidavit stating that it is a civil dispute and as both of them are residing in the same village, to maintain cordial relations, the complainant does not have intention to proceed with the criminal case.

2. Mr. Nirmal, learned counsel for respondent No. 2 affirms that respondent No. 2 has filed affidavit on 9th

September, 2015. The said affidavit is duly sworn and Mr. Nirmal, learned counsel has identified respondent No. 2 in the said affidavit. On perusal of the contents of affidavit, it transpires that the parties have settled the matter with a view to maintain cordial relations as both are residing in the same village. It appears that dispute between the parties is of civil nature. Possibility of conviction is also remote.

3. In the light of above, R.C.C. No. 342 of 2011 pending before the IInd Judicial Magistrate First Class, Ambad, District Jalna, is quashed and set aside.

4. Criminal Writ Petition is accordingly disposed of.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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