

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5307 OF 2015

RAMESH BHAGWANRAO PHAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for the applicant: Mr. S.W. Munde
APP for respondent Nos.1 and 2: Ms. R. P. Gour
Advocate for respondent No.3: Mr. E.G. Irale
.....

CRIMINAL APPLICATION NO. 5309 OF 2015

DHARMARAJ PRALHAD AWCHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for the applicant: Mr. E.G. Irale
APP for respondent Nos.1 and 2: Ms. R. P. Gour
Advocate for respondent No.3: Mr. S.W. Munde
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 7th DECEMBER, 2015

P.C. :-

1. These criminal applications are filed for quashing of F.I.R. No. 174 of 2015 dated 18.8.2015 registered at Parali city police station, Parali Vaijinath, district Beed for the offences punishable under Section 395 of I.P.C. and Section 3(i) (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 so also the F.I.R. No. 175 of 2015 dated 18.8.2015 registered with Parali city

police station, Parali Vaijanth, district Beed for the offences punishable under Sections 395, 323, 504 and 506 of I.P.C.

2. Learned counsel for the respective parties submit that in fact the said complaints are lodged out of misunderstanding and the offence as alleged is not made out. The learned counsel submit that the parties have settled the matter. The complainant and the accused belong to same place. With a view to maintain peace and harmony they have settled the matter.

3. The parties are present before the court. They are identified by their advocates. They accept the contents of their affidavits.

4. The complaints are in the nature of cross complaints. Considering the averments made in the applications, the chance of conviction under Section 395 of I.P.C. and Atrocities Act is remote. The other offences are compoundable.

5. It appears that the complaints are filed out of misunderstanding. The complainant and the accused are resident of same place. With a view to maintain peace and harmony they have settled the matter.

6. Considering the above, the complaint bearing F.I.R. No. 174 of 2015 dated 18.8.2015 registered at Parali city police station, Parali Vaijinath, district Beed for the offences punishable under Section 395 of I.P.C. and Section 3(i) (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 so also the F.I.R. No. 175 of 2015 dated 18.8.2015 registered with Parali city police station, Parali Vaijjanth, district Beed for the offences punishable under Sections 395, 323, 504 and 506 of I.P.C. are quashed and set aside.

7. Criminal applications are accordingly disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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