

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

CRIMINAL APPLICATION NO. 5926 OF 2015

NITIN S/O BHAGCHAND TALREJA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicants : Mr Arvind Deshmukh
APP for Respondents: Mr A G Magre
Advocate for Respondent 2 : Mr. S.V. Chandole

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

Dated: November 20, 2015

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PER COURT :-

1. The respondent no.2 has filed a complaint against the present applicant for the offence punishable under sections 394, 294, 427, 504, 323, 506 of the Indian Penal Code. Present application is filed for quashing of the complaint. Respondent no.2 and the applicant submit that said complaint was filed due to mis-understanding. The applicant and the complainant are engaged in the same business, as such they have compounded the matter.

2. Respondent no.2 is present in the court. He is identified by his Advocate Mr. Chandole. He admits the contents of the affidavit. Even if the complaint is perused, there is remote chance of conviction under section 394 of the Indian Penal Code. It appears that, the applicant and respondent no.2 are engaged in the similar business, to maintain peace and harmony they have settled the matter.

3. Considering the aforesaid aspect of the matter, we are inclined to accept the settlement.

4. Criminal Application as such is allowed. The proceedings in Crime No.184/2011 pending before the Chief Judicial Magistrate, Parbhani in RCC No.544/2012 stands quashed and set aside.

5. Criminal application accordingly disposed of.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-