

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.:554 OF 2016

Jagdish S/o Vijay Kapse and others
VERSUS
The State of Maharashtra and another

Mr. Arun S. Shejwal, Advocate for the Applicants.
Mrs. R. K. Ladda, A.P.P. for Respondent No.1.
Mr. Vivek V. Tarde, Advocate for Respondent No.2.

WITH

CRIMINAL WRIT PETITION NO.:203 OF 2016

Babasaheb Diwanrao Barase and another
VERSUS
The State of Maharashtra and another

Mr. Vivek V. Tarde, Advocate for the Petitioners.
Mrs. R. K. Ladda, A.P.P. for Respondent No.1.
Mr. Arun S. Shejwal, Advocate for Respondent No.2.

CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 17th March, 2016.

P.C.:

. Both these matters can be disposed of by this common
order.

2 Criminal Application No.554 of 2016 was filed for quashing
of Crime No.I-95 of 2010, which resulted into criminal case, which is

pending before the learned Judicial Magistrate First Class (Railway), Aurangabad vide Regular Criminal Case No.1127 of 2010. In this case, the Applicants are accused of committing offence punishable under Sections 323, 324, 452, 506 Part II, 143, 147 and 148 read with 149 of the Indian Penal Code. The incident in question took place some time in 2010 and yet criminal case is pending. In this case, the Complainant is one Babasaheb.

3 During the pendency of this case on 24th October, 2015, another complaint was lodged with Mukundwadi Police Station, Aurangabad in which it was alleged that Babasaheb and one more person assaulted one Mahendra by means of stick and a bottle. The complaint was registered as Crime No.I-798 of 2015 alleging offence punishable under Section 307 read with 34 of the Indian Penal Code. It is clear from this narration that Babasaheb is common party to both these cases. The Complainant in Crime No.I-798 of 2015 is also connected to earlier crime of 2010. He happens to be son of one of the Accused in Regular Criminal Case No.1127 of 2010. After filing of second case in 2015, it appears that Babasaheb realized that he should settle the dispute so that he would not face prosecution under Section 307 of the Indian Penal Code, which is comparatively serious offence.

4 The parties have come before us with affidavits stating that they do not want to continue with these cases. The parties are identified by their Advocates.

5 Having regard to the incidents, pendency of cases and seriousness of crimes alleged against each other, we are of the view that for quashing of both these cases we should impose cost on both the sides. The learned counsel for the parties agree to deposit the amount.

6 We hold that Babasaheb, who happens to be victim as well as accused in these two cases should be directed to pay cost of Rs.1,00,000/- (Rupees One Lakh Only). On the other hand, Accused in Regular Criminal Case No.1127 of 2010 should be directed to pay cost of Rs.10,000/- (Rupees Ten Thousand Only). On depositing such cost, we are inclined to allow both these matters in terms of prayer clause (B). The cost shall be deposited in the office of High Court Legal Services Sub-Committee, Aurangabad. If cost is not deposited by tomorrow evening, above order shall stand set aside and the application / petition seeking quashment of cases shall also stand dismissed.

7 Both the matters stand disposed of in above terms.

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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