

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

CRIMINAL APPLICATION NO.6660 OF 2016

1. Subhash Magan Shewale ..Applicants
Age. 36 years, Occ. Business

2. Nandu s/o. Kisan Shelke
Age. 30 years, Occ. Pvt. Service

Both R/o. Maniknagar, Naregaon,
Aurangabad, Tq. & Dist. Aurangabad.

Versus

1. The State of Maharashtra ..Non-applicants
(Through Police Station MIDC
Cidco, Aurangabad)

2. Anis s/o. Shabbir Pathan
Age. 21 years, Occ. Education,
R/o. Maniknagar, Naregaon,
Aurangabad, Tq. & Dist.
Aurangabad.

Mr.P.C. Mayure, Advocate for the applicants.
Mr.K.S. Patil, A.P.P. for the non-applicant No.1/State.
Mr.R.R. Imale, Advocate for the non-applicant No.2.

CORAM : Z.A. HAQ,J.

DATED : 07.12.2016

ORAL JUDGMENT :-

. Heard.

02. Rule. Rule made returnable forthwith.

03. The applicants have assailed the order passed by
the learned Magistrate refusing to dispose the prosecution

for the offence punishable under section 324 of the Indian Penal Code, as settled between the parties.

04. The learned Advocates for the applicants and non-applicant No.2 relying on the judgment given by the Hon'ble Supreme Court in the case of **Yogendra Yadav Vs. The State of Jharkhand, (2014) 9 SCC 653**, have submitted that the impugned order be set aside and the prosecution against the applicant be disposed, as the matter is settled between the parties.

05. Considering the proposition laid down in the judgment referred above, the following order is passed:-

(i) The impugned order is set aside.

(ii) The prosecution of the applicant vide R.C.C. No.1201 of 2015 is quashed.

(iii) Rule made absolute in above terms. In the circumstances, parties to bear their own costs.

[Z.A. HAQ, J.]