

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL APPLICATION (apl) No. 647 OF 2015

Dilip Mitharam Barhate

v.

State of Maharashtra & anr.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 27th JANUARY, 2016

The applicant challenges registration of F.I.R. registered under Section 448 of Indian Penal Code on complaint of non-applicant no. 2.

We have heard Advocate Deshpande for the applicant, learned APP for non-applicant no. 1 and Advocate Kothale for non-applicant no. 2.

During the course of arguments, Advocate Deshpande, upon instructions, states that the complainant may continue in peaceful possession of the room, which is being used for dispensary. Essential service in the room like water and electricity shall not be discontinued and possession of non-applicant no. 2 shall not be disturbed except in accordance with law.

Advocate Kothale points out that civil suit is

still pending.

In view of the statement made by the applicant and landlord through counsel, Advocate Kothale has no objection if the civil suit is permitted to go on and the F.I.R. is quashed. Hence, without prejudice to the rival contentions in the matter and in view of the statement made by Advocate Deshpande upon instructions from the applicant, we quash and set aside F.I.R. No. 166/15 registered under Section 448 of Indian Penal Code at police station Frezarpura, Amravati.

Writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

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