

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1106 OF 2017

SHAIKH AREF SHAIKH HUSSAIN AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

...

Advocate for applicants : Mr. Sunil B. Jadhav
APP for Respondent/State : Mr. S.Y. Mahajan

WITH

CRIMINAL APPLICATION NO. 1085 OF 2017

JAHIRODDIN AMINODDIN SHAIKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

...

CORAM : S.S. SHINDE & K.K. SONAWANE, JJ.

Dated: MARCH 21, 2017

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PER COURT :-

Both these applications are filed praying therein to quash the proceedings on the basis of amicable settlement between the parties in their counter cases.

2. Upon perusal of the documents placed

on record, it appears that, there are counter cases arising out of the same incident. In Criminal Application no. 1106/2017 wherein there is prayer to quash and set aside the F.I.R. bearing C.R. No.I-74/2010 and the charge-sheet no.I-170/2010, the learned counsel appearing for the applicants fairly informs this Court that, the charge is already framed. In that view of the matter, in both applications the prayer for quashing the F.I.Rs. and charge-sheets on the basis of the amicable settlement cannot be considered.

2. Upon even considering the case on merits, we are not inclined to accede to the prayer of the applicants. With the above observations, both the applications stand rejected.

3. However, we make it clear that, the observations made hereinbefore are only for the purpose of adjudication of the present applications, and trial Court shall not get influenced by the observations made hereinbefore.

4. Needless to observe that, if the applicants have any other remedy and in case

the charge is not yet framed, they are
entitled to avail the same.

(K.K. SONAWANE, J.)

(S.S. SHINDE, J.)

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