

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 95 OF 2014

- 1) Bhagwan s/o Jagannath More,
Age: 63 years, Occu.: Business,
R/o: Viveknagar, Nanded,
Taluka and District: Nanded.
- 2) Mohammad Feroz Khan s/o
Haji Mohammad Gaffar Khan,
Age: 36 years, Occu.: Business,
R/o: Ashrafnagar, Hingoli Gate,
Nanded, Taluka and District: Nanded.

... PETITIONERS

VERSUS

- 1) The State of Maharashtra,
through the Police Inspector,
Police Station, Nanded (Rural),
District: Nanded.
- 2) Marotrao s/o Baburao Nalge,
Age: 60 years, Occu.: Business,
R/o: Indraprastha Nagar,
Nanded, Taluka and District: Nanded.
- 3) Shantabai Marotrao Nalge,
Age: 56 yrs, Occ. Household,
- 4) Kamal w/o. Kundan Patravali,
Age: 30 yrs, Occ. Household,
- 5) Nagesh s/o Marotrao Nalge,
Age: 39 yrs, Occ. Business,
R/o: As above.

... RESPONDENTS

(No.2 – Original Complainant)

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Mr. Rajendra S. Deshmukh, Advocate for Petitioners.

Mr. D. S. Jape, APP for Respondent No.1 / State.

Mr. A. A. Mukhedkar, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 24th November, 2018.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

. The proceeding is filed for relief of quashing of FIR No.25 of 2014, registered with Nanded (Rural) Police Station, District Nanded, for the offences punishable under Sections 403, 406, 407, 420, 467, 468, 471 read with 34 of the Indian Penal Code.

2 Both the sides are heard. Learned APP is also heard.

3 Today, the learned counsels for both the sides submitted that the dispute was of private nature and it arose out of one transaction between the predecessor in-title of the first informant and the present Petitioners. One suit was also filed out of that dispute and in that suit compromise terms were filed and decree is prepared by the Civil Court accordingly. Today, the learned counsel for first

informant produced on record communication made by one Nagesh Marotrao Nalge, one L.R. of the first informant, Marotrao and he submitted that he has instructions to inform the Court that all the L.Rs of Marotrao have settled the dispute with the Petitioners. Photostat copy of authorization given to Nagesh Marotrao Nalge is also produced on record and statement is made by the learned counsel representing Nagesh Marotrao Nalge. His name is to be shown as L.R. of deceased Marotrao by making amendment immediately in the petition. Mr. Mukhedkar, learned counsel submitted that he has already filed *Vakalatnama* for Nagesh Marotrao Nalge.

4 This Court has carefully gone through the contents of FIR. The contents show that the management of one petrol pump, which was allotted to Marotrao was given by him to the present Petitioners and there was a dispute over the accounts. He made allegations of creation of false record and also misappropriation of money and of deceit.

5 As the submissions made show that the dispute is settled by the parties and there are aforesaid circumstances, this Court holds that relief needs to be granted to the Petitioners. In the result, the

following order is passed:

ORDER

- I. The petition is allowed.
- II. Relief is granted in terms of prayer clause (D-1).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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