

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

CRIMINAL APPLICATION NO. 939 OF 2018

1. Mohd. Salimuddin s/o Nooruddin ... **Applicants**
Shaikh, Age 58 years, Occu: Business, **(Orig.Accused)**
R/o Osmanpura, Aurangabad Tq. & Dist.
Aurangabad.
2. Baba Qureshi s/o Manna Qureshi
Age 53 years, Occu: Business
R/o Osmanpura, Aurangabad
3. Feroz Khan s/o Shamsheer Khan,
Age 40 years, Occu: Business,
R/o Osmanpura, Aurangabad.

VERSUS

- 1 The State of Maharashtra
Through Kranti Chowk Police Station,
Aurangabad.

Mr. Vinod L. Thole, Advocate for the applicants
Mr. M. M. Nerlikar APP for the respondent State.

**CORAM : T. V. NALAWADE AND
 K. L. WADANE, JJ.**

DATE: : 5th July, 2018

JUDGMENT (Per K. L. Wadane,J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.
2. The application is filed under section 482 of the Code of Criminal Procedure for relief of quashing of the Sessions Case No. 269

of 2016 pending in Sessions Court (14), Aurangabad, arising out of F.I.R.No.871/2015 registered with Kranti Chowk, Police Station, Aurangabad for the offence punishable under Sections 397 r/w 34 of the Indian Penal Code.

3. Applicant No.3 original Complainant, lodged complaint alleging he is Secretary of Shanoormiyan Darga Committee and on 13.10.2015, when he was on his way by walking, one Baba Qureshi Applicant No.2 and applicant No.1 Slimoddin Nooruddin came there in Rickshaw. Applicant No.2 Baba Qureshi was having a knife in his hand and tried to assault with the knife on the right side of the face of the complainant saying that "Tu CP Sahab Ke Samne Bahut Ud Rahatha, Ab Udke Dikha". Then he assaulted on the right chest of the complainant. Applicant No.1 Mohd. Salimoddin dragged the complainant down by holding his collar and forcefully taken away Rs.10,000/- from his pocket. Thereafter, Baba Kureshi assaulted the complainant on his thigh and when complainant shouted for help, they fled away. On the basis of first information report, the offence as referred above came to be registered against the accused/applicants 1 and 2.

4. After investigation, charge sheet came to be filed against the

accused persons and Session case No. 269/2016 is pending before the Sessions Court, Aurangabad.

5. Heard Mr. Vinod L. Thole, learned counsel for the applicants and Mr. M. M. Nerlikar learned APP for the respondent State.

6. Applicant Nos. 1 and 2 are the accused persons and Applicant No.3 is the original complainant. They have jointly filed this application stating that the dispute between them had arisen out of management and affairs of Darga. Now they have settled the dispute amicably out of the court. The accused persons and complainant reside in same locality and they are acquainted with each other. Now dispute between them has been settled with the intervention of their well-wishers and now the dispute about Darga management committee is over.

7. The parties have filed settlement deed at Exh.D stating that they have amicably settled their dispute and have arrived at a compromise in terms of settlement deed through the process of private negotiations. It appears that the parties have settled the dispute amicably and have decided to set at rest the further dispute including the present criminal proceedings. In that view of the matter, in view of settled law, in order to secure the ends of justice and to prevent an abuse

of process of law, the criminal proceeding needs to be quashed and set aside. Hence following order:

O R D E R

- i. Application is allowed.
- ii. Sessions Case No. 269 of 2016 pending in Sessions Court (14), Aurangabad, arising out of F.I.R.No.871/2015 registered against applicant Nos. 1 and 2 with the Kranti Chowk, Police Station, Aurangabad for the offence punishable under Sections 397 r/w section 34 of the Indian Penal Code is hereby quashed and set aside.
- iii. Rule is made absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC