

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2095 OF 2018

- 1) Rangnath s/o Hiralal Rathod,
Age 39 years, Occupation Agriculture,
R/o Radhaswami Colony, Jatwada Road,
Harsool, Aurangabad Tq. Dist.
Aurangabad.
- 2) Sominath s/o Hiralal Rathod,
Age 35 years, Occupation Agriculture,
R/o Radhaswami Colony, Jatwada Road,
Harsool, Aurangabad Tq. Dist.
Aurangabad.
- 3) Jagannath s/o Hiralal Rathod,
Age 37 years, Occupation Agriculture,
R/o Radhaswami Colony, Jatwada Road,
Harsool, Aurangabad Tq. Dist.
Aurangabad.
- 4) Manohar s/o Shivilal Harne,
Age 30 years, Occupation Agriculture,
R/o N – 13 Wankhede Nagar,
Aurangabad Tq. Dist. Aurangabad.
- 5) Sainath s/o Haribhau Sure,
Age 34 years, Occupation Agriculture,
R/o Pisadevi Road, Harsool,
Aurangabad Tq. Dist. Aurangabad. ...Applicants

Versus

- 1) The State of Maharashtra
Through Investigation Officer,
Phulambri Police Station Tq. Phulambri
Dist. Aurangabad.

- 2) Santosh s/o Pandurang Phule,
Age 29 years, Occupation Agriculture,
R/o Chowka Tq. Dist. Aurangabad. ...Respondents

Mr. J. V. Deshmukh, Advocate holding for Mr. N. A. Matkar,
Advocate for Advocate for applicants.

Mr. S. J. Salgare, Addl. Public Prosecutor, for respondent No.1/
State.

Mr. R. V. Gore, Advocate for respondent No.2.

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

DATE : 07-09-2018.

ORAL JUDGMENT : (PER T. V. NALAWADE, J.)

1. Rule. Rule made absolute. Heard both the sides for final disposal with consent.

2. The proceeding filed under Section 428 of the Code of Criminal Procedure for relief of quashing Crime No. 16 of 2013 registered with Phulambri Police Station Dist. Aurangabad, for the offence punishable under Section 143, 147, 148, 149, 307, 341, 326, 325, 506, 120 (b) of Indian Penal Code and also for the relief of quashing of the proceedings Sessions Case bearing No. 272 OF 2013 pending before learned Additional Sessions Judge, Aurangabad.

3. This Court has gone through the papers of investigation which include the report given by eye witness Santosh and the record of injury in respect of injured Kailas Bhausing Phule. There is allegation that, assault was made on Kailas Phule on his head and

other part of his body by all the applicants and he was assaulted by knife due to some previous dispute.

4. During arguments the learned counsel for the applicants and first informant have submitted that parties have settled their dispute. The affidavits of the applicants and the first informant and also the injured Kailas are also filed showing that they have settled the dispute. Information was collected from learned Addl. Public Prosecutor as to whether the applicants have bad antecedents. There apparently no bad antecedents. The incident took place out of petty quarrel.

5. In view of nature of injuries and aforesaid circumstances, this Court holds that relief needs to be granted. In the result, application is allowed in terms of prayer Clause 'B'. Rule made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.