

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2275 OF 2018

1) Akshay s/o Sadashiv Dhakane,
Age 20 years, Occ. Agri.,

2) Shivraj s/o Jagdish Golhar,
Age 19 years, Occ. Agri.,

3) Yogesh s/o Sunil Golhar,
Age 22 years, Occ. Agri.,

All R/o Jawalwadi Post Kharwandi-Kasar
Tq. Pathardi Dist. Ahmednagar.

...Applicants

Versus

1) The State of Maharashtra,
Through Investigation officer,
Pathardi City Police Station,
Tq. Pathardi Dist. Ahmednagar.

2) Subhash s/o Gahininath Pansare,
Age 24 years, Occ. Agri.,
R/o Jawalwadi Post Kharwandi Kasar
Tq. Pathardi Dist. Ahmednagar.

...Respondents

Mr. N. B. Narwade, Advocate for applicants.

Mr. A. A. Jagatkar, Addl. Public Prosecutor, for respondent No.
1/ State.

Mr. S. R. Zambare, Advocate for respondent No.2.

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

DATE : 30-08-2018.

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

1. Rule. Rule made returnable forthwith. Heard both the sides
for final disposal by consent.

2. The proceeding filed under Section 482 of the Code of Criminal Procedure for relief of quashing of the First Information Report bearing No. 399 of 2018 registered with Pathardi Police Station Tq. Pathardi Dist. Ahmednagar for the offences punishable under Section 457, 380 of Indian Penal Code.

3. During arguments, learned counsel for the applicant and learned counsel for the first informant submitted that, parties have settled their dispute and the first informant and witness have no intention to give evidence against the applicants. They are from the same village.

4. Applicants are youngsters and allegations against them are that, they had entered the residential place of the informant during the night time, and they were somehow able to collect Rs.50,000/- which was kept in a tin and that incident was seen by the first informant. The first informant was living in the house with the wife and two daughters.

5. In view of the submissions made and nature of allegation, this Court holds that, nothing can be achieved by allowing the matter to go ahead and asking the applicant to face the trial for the offence. In view of the same, application is allowed. Relief is granted in terms of prayer Clause 'B'. Rule is made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.

(T. V. NALAWADE)
JUDGE