

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2380 OF 2018

- 1] Suresh Keshav Rathod,
Age : 32 years, Occu : Service,
R/o Vishnunagar, Garkheda,
Aurangabad.
- 2] Sanjay Keshav Rathod,
Age : years, Occu :
R/o Ganeshnagar, Garkheda,
Aurangabad.
- ...Applicants

Versus

- 1] The State of Maharashtra,
Through Police Station.
- 2] Sunita Ramesh Pawar,
Age : 39 years, Occu : Service,
R/o New ST Colony, A02, CIDCO,
Aurangabad. ...Respondents

Mr. A. S. Barlota, Advocate for Applicants.
Mr. M. M. Nerlikar, A. P. P. for Respondent No. 1-State.

WITH

CRIMINAL APPLICATION NO. 2551 OF 2018

- 1] Raju Sheshrao Rathod,
Age : 36 years, Occu : Business,
R/o Jijamata Scheme, N-2, Cidco,
Aurangabad.
- 2] Ramesh Narayan Pawar,
Age : 44 years, Occu : Service,

R/o Plot No. 267, New ST Colony, N-2,
Aurangabad.

...Applicants

Versus

1] The State of Maharashtra,
Through Police Inspector,
Jinsi Police Station,
Aurangabad.

2] Jyoti Suresh Rathod,
Age : 39 years, Occu : Housewife,
R/o Vishnu Nagar, Near Bilal Mahajid,
Aurangabad.

...Respondents

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Mr. A. R. Borulkar, Advocate for Applicants.
Mr. S. J. Salgare, A. P. P. for Respondent No. 1-State.

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CORAM : **T. V. NALAWADE &**
SMT. VIBHA KANKANWADI, JJ.
DATE : **24-10-2018.**

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

01. Rule. Rule made returnable forthwith by consent heard both the sides for final disposal.

02. Cri. Application No. 2380 of 2018 is filed for relief of quashing of F. I. R. vide C. R. No. 553 of 2017 registered with Mukundwadi Police Station, Aurangabad for the offences punishable under Sections 394, 354, 336, 452,

504 and 506 read with Section 34 of Indian Penal Code. The F. I. R. was given by respondent Sunita Pawar. The other proceeding Cri. Application No. 2551 of 2018 is filed for quashing of F. I. R. vide C. R. No. 204 of 2017 registered with Jinsi Police Station, Aurangabad and quashing the proceeding R. C. C. No. 2257 of 2017 which is pending in the Court of learned J. M. F. C., Aurangabad which is filed for offences punishable under Section 354 and 341 read with Section 34 of I. P. C. During arguments the learned Counsels for both the sides submits that the reports were given out petty dispute and parties have settled the dispute out of Court. They have filed on record affidavits of the first informant in both the proceedings.

03. In view of the nature of allegations made in both the matters and aforesaid circumstances this Court holds that the relief can be granted, but, subject to some conditions like depositing of cost by each applicants in both the proceedings.

04. In the result, following order;

ORDER

(i) Both the applications are allowed.

(ii)The relief is granted in Cri. Apln No. 2380 of 2018 in terms of prayer clause "B" and in another proceeding Cri. Apln. No. 2551 of 2018 in terms of prayer clause "C". This is subject to payment of cost of Rs. 15,000/- by each applicant. Thus, in each proceeding the amount of Rs. 30,000/- is to be deposited with High Court Legal Services Authority within 14 days from today.

(iii)Rule made absolute in those terms.

[SMT. VIBHA KANKANWADI]

JUDGE

[T. V. NALWADE]

JUDGE

Dahibhate/-