

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1016 OF 2018

Ganesh s/o Jagannath Talekar and Another ...Applicants

Versus

The State of Maharashtra and Another ...Respondents

Mr. D. A. Mane and P. B. Bharat, Advocates for applicants.
Mr. A. A. Jagatkar, Addl. Public Prosecutor, for respondent
No.1/ State.

Mr. A. V. Lavte, Advocate holding for Mr. S. J. Salunke,
Advocate for respondent No.2.

WITH
CRIMINAL APPLICATION NO.2497 OF 2018

Kalyan Baliram Rahade and others ...Applicants

Versus

The State of Maharashtra and Another ...Respondents

Mr. D. A. Mane and P. A. Bhagrat, Advocates for applicants.
Mr. A. A. Jagatkar, Addl. Public Prosecutor, for respondent
No.1/ State.

Mr. A. V. Lavte, Advocate holding for Mr. S. J. Salunke,
Advocate for respondent No.2.

WITH
CRIMINAL APPLICATION NO.2514 OF 2018

Dhananjay s/o Arunrao Jagtap and others ...Applicants

Versus

The State of Maharashtra and others ...Respondents

Mr. A. V. Lavte, Advocate holding for Mr. S. J. Salunke,
Advocates for applicants.

Mr. M. M. Nerlikar, Addl. Public Prosecutor, for respondent
No.1/ State.

Mr. Dhanraj Mane, Advocate for respondent No.2.

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.
DATE : 09-10-2018.**

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

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

2. All the three proceedings are filed under Section 482 of the Code of Criminal procedure for relief of quashing of crime registered against the applicants. First two proceedings are filed in respect of Crime No. 231 of 2018, which is registered with Shivaji Nagar, Police Station, Beed for offences punishable under Section 147, 148, 149, 307, 324, 504, 506 of Indian Penal Code and Section 25 (3) and 4 (25) of Arms Act.

3. The proceeding No. 2415 of 2018 is filed in respect of Crime No. 232 of 2018 which is registered with the same Police Station for the offences punishable under Section 307, 324, 147, 148, 149, 323 and 504 of Indian Penal Code and Section 4 (25) of Arms Act.

4. During arguments learned counsel for the applicants of all three proceedings submitted that, in respect of the same incident reports were given against each other by the two sides and crime are came to be registered. It was submitted that, out of petty incident the quarrel took place and parties are now settled the dispute and they have no intention to give evidence against each other.

5. This Court has seen the injury certificates in all three matters. In the first two matters one Dhananjay Jagtap was injured. He had sustained six injuries which were simple. One injury was on head and so the provision of Section 307 of Indian Penal Code is used. In the last matter two persons injured like Mahadev and Kalyan. Mahadev sustained three simple injuries and one of the injury was on head. Kalyan sustained two injuries which were simple and one of the injury was on head. Due to the circumstance that, injuries were inflicted on head the provisions of Section 307 of Indian Penal Code was used.

6. In view of the nature of the material and the motive for the crime, this Court holds that the relief claimed needs to be granted in all the three matters. In the result all the three applications are allowed. Relief is granted in terms of prayer Clause "B" in Applications No. 1016 of 2018 and 2497 of 2018 and in terms of

prayer clause "C" in Application No. 2514 pf 2018. The aforesaid relief is granted subject to condition that each of the adult applicant is to deposit the amount Rs.10,000/- (ten thousand) as a cost. The amount is to be deposited with High Court Legal Services Sub-Committee, Aurangabad.

7. There is no need to take the money from minor Akash.
8. The amount is to be deposited with ten (10) days from today.
9. Rule is made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.