

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2575 OF 2018

1. Suresh Murlidhar Gosavi,
Age 30 years, Occu. Service,
2. Mukesh Murlidhar Gosavi,
Age 34 years, Occu. Business,
3. Ananda Murlidhar Gosavi,
Age 31 years, Occu. Business,
4. Murlidhar Daga Gosavi,
Age 58 years, Occu. Business,
5. Sanjay Daga Gosavi,
Age 42 years, Occu. Labor,
6. Rushikesh Sanjay Gosavi,
Age 17 years, Occu. Education
Through next friend
(Applicant No. 2) (Real cousin)
7. Ganesh Sanjay Gosavi,
Age 19 years, Occu. Education,

All R/o. Awdhan, Dhule,
Tq. & Dist. Dhule.

....Applicants.

Versus

1. The State of Maharashtra
Through Mohadi Police Station,
Dhule, Tq. & Dist. Dhule.
2. Sunil s/o. Bhagwan Gosavi,
Age Major, Occu. Business,
R/o. Awdhan, Dhule,
Tq. & Dist. Dhule.

....Respondents.

Mr. P.B. Pawar, Advocate for applicants.

Mrs. D.S. Jape, APP for respondent No. 1/State.

Mr. Q.R. Syed, Advocate for respondent No. 2.

WITH
CRIMINAL APPLICATION NO. 2577 OF 2018

1. Sunil s/o. Bhagwan Gosavi,
Age 38 years, Occu. Business,
2. Sharad s/o. Bhagwan Gosavi,
Age 42 years, Occu. Business,
3. Parmanand s/o. Wedugir Gosavi,
Age 47 years, Occu. Driver,
4. Umesh s/o. Wedugir Gosavi,
Age 38 years, Occu. Service,
5. Manish s/o. Bhatugir Bawa (Gosavi),
Age 21 years, Occu. Education,
6. Shubham s/o. Vijay Gosavi,
Age 20 years, Occu. Education,
7. Yogesh s/o. Kailash Gosavi,
Age 25 years, Occu. Service,
8. Dhiraj s/o. Sharad Gosavi,
Age 16 years, Occu. Service,
9. Ashutosh @ Anshu Vijay Gosavi,
Age 17 years, Occu. Education,
through Vijay Viththalgir Gosavi,
Age 45 years, Occu. Business,
(Father of applicant No. 9)
All R/o. Awdhan, Dhule,
Tq. & Dist. Dhule.

....Applicants.

Versus

1. The State of Maharashtra
Through Mohadinagar Police Station,
Dhule, Tq. & Dist. Dhule.
2. Ananda s/o. Murlidhar Gosavi,
Age 31 years, Occu. Tailor,

R/o. Awdhan, Dhule,
Tq. & Dist. Dhule.

....Respondents.

Mr. Q.R. Syed, Advocate for applicants.

Mrs. D.S. Jape, APP for respondent No. 1/State.

Mr. P.B. Pawar, Advocate for respondent No. 2.

**CORAM :T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.
DATED : 10/10/2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) The first proceeding is filed for quashing of F.I.R. No. 57/2018 registered with Mohadi Police Station, Dhule, for offences punishable under sections 307, 148, 323, 149 etc. of Indian Penal Code. The second proceeding is filed for quashing of F.I.R. No. 56/2018 registered with same police station for offences punishable under sections 307, 149 etc. of IPC. Both the F.I.Rs. are given in respect of the same incident.

3) During arguments, the learned counsels of both the sides submitted that parties have settled the dispute and they have no intention to give evidence against each other. The learned APP made available the papers of investigation which include the injury

certificates of the persons who were injured in both the cases and they have given consent for giving relief claimed in both the proceedings. The record of injury certificates shows that Parmanand, one injured sustained grievous injury and he is injured in the F.I.R. in proceeding bearing Criminal Application No. 2575/2018. In other matter, there are three injured, who sustained simple injuries. As some injuries were sustained on head portion, the provision of section 307 of IPC is used. The learned APP drew the attention of this Court to copy of complaint dated 15.9.2018 showing that Sunil Gosavi person involved in Criminal Application No. 2577/2018 has made allegations that Suresh Gosavi was threatening him as Sunil was not ready to sign on settlement document. N.C. was registered as the offence is shown to be committed under section 504 and 506 of IPC. There are no other antecedents.

4) The incident took place out of a petty quarrel between youngsters and the persons of two groups had clash. In view of the submissions made and the record produced, this Court holds that relief needs to be granted in both the proceedings. In the result, both the applications are allowed. Relief is granted in both the proceedings in terms of prayer clause 'B', subject to condition that each applicant of both the proceedings deposits Rs.5,000/- (Rupees five thousand) as cost with High Court Legal Services Authority

within 10 days from today. Rule is made absolute in aforesaid terms

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/