

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2642 OF 2018

Suresh s/o Damu Thanage and others ...Applicants

Versus

The State of Maharashtra and Another ...Respondents

Mr. S. R. Zambare, Advocate for applicants.

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

Mr. N. B. Narwade, Advocate for respondent No.2.

WITH
CRIMINAL APPLICATION NO. 2643 OF 2018

Mukund s/o Shankar Shinde and others ...Applicants

Versus

The State of Maharashtra and Another ...Respondents

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

Ms. V. S. Choudhary, 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 : 09-10-2018.

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

1. Rule. rule made returnable forthwith. By consent heard both the sides for final disposal. Papers of investigation made available.

2. The first proceeding is file for relief of quashing of Crime No. 313 of 2018, registered with Shrigonda Police Station Tq. Shrigonda Dist. Ahmednagar for the offences punishable under Section 395, 143, 147, 149, 323, 504, 506 of Indian Penal Code. The second proceeding is filed for quashing of the First Information Report bearing No. 314 of 2018, registered with same police station for same offences. In both the FIRs the incident dated 01-07-2018 is described. In the first two proceedings the time is given as 13 hours and 12.30 hours.

3. The material collected shows that, there is some land dispute between the two sides. In the aforesaid incident there was quarrel between the two sides and allegations are made by each side that the persons of other side gave beating after forming of unlawful assembly and they also took away ornaments either of the first informant or the persons of his family. In view of the nature of the allegations the crime came to be registered for aforesaid offences.

4. In both the proceedings affidavits of the concerned are filed including affidavits of first informant to show that, they have settled their dispute and they have no intention to give evidence against the other side. As they are from nearby places and the incident took place on due to land dispute, this Court holds that relief needs to be given subject to some conditions. In the result, both the

proceedings are allowed subject to condition of depositing of amount of Rs.25,000/- in each proceeding as a cost by the applicants. The cost amount is to be with High Court Legal Services Sub-Committee, Aurangabad. Relief is granted in terms of prayer Clause 'B' in both proceedings. Rule made absolute in those terms. Amount is to be deposited within ten days from today.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.