

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2677 OF 2018

1. Kazi Noor Mohiuddin Badar Mohiuddin
Age : 48 Years, Occ. Business,
R/o. Azad Colony, Aurangabad
2. Kazi Gohar Mohiuddin Badar Mohiuddin
Age : 43 Years, Occ. Business
R/o. 151, Near Town Hall, Aref Colony,
Aurangabad
3. Sayyad Rafik Sayyed Lal
Age : 53 Years, Occ. Business,
R/o. Plot No.14, Near Town Hall, Aref Colony,
Bhim Nagar, Aurangabad. ..APPELLANTS

Versus

- 1] The State of Maharashtra
Through Police Inspector,
CIDCO, MIDC Police Station,
Aurangabad
- 2] Jitendra S/o Janardhan Jadhav,
Age : 33 Years, Occ. Business,
R/o. Bridgewadi, M.I.D.C. Chikalthana,
Aurangabad ..RESPONDENTS

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Advocate for Applicant : Mr. G. R. Sayyed
APP for Respondent no.: Mr. R.V. Dasalkar

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**CORAM :T.V. NALAWADE AND
SMT.VIBHA KANKANWADI,JJ.**
DATE :05th DECEMBER, 2018.

ORAL JUDGMENT [PER T.V. NALAWADE J] :-

Rule. Rule made returnable forthwith. By consent heard both the

sides for final disposal.

2] The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No. 195/2015 registered with MIDCI, CIDCO Police Station, Aurangabad for the offences punishable under Sections 420, 120B read with Section 34 of the Indian Penal Code.

2. Both the sides are heard.

3. During the argument learned counsel for the applicants and first informant submitted that the parties have settled the dispute and the first informant has no intention to give evidence against the applicants. Affidavit is filed by respondent No.2. This Court had directed on the last date to learned A.P.P to ascertain as to whether the applicants were involved in the similar incidents in the past and ascertain the antecedents of the present applicants.

4. Submissions made by the learned A.P.P show that as against one applicant who is appellant No.3 Sayyad Rafik Sayyed Lal, one case for the offence punishable under Section 354 of the Indian Penal Code was filed but it is disposed of. Thus he was not involved in similar offence in the past.

4] In view of the nature of allegations made in the FIR, it was private transactions, this Court holds that relief need to be granted. In the result following order :-

ORDER

- I] Application is allowed.
- II] Relief is granted in terms of prayer clause (B).
- III] Rule made absolute in the aforesaid terms.

[SMT.VIBHA KANKANWADI]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/