

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2971 OF 2018

1. Anil S/o Jagdish Agrawal,
Age : 56 Years, Occ. Business,
R/o. Ajanata Complex,
CIDCO, N-5, Connaught Place
Aurangabad

2. Surendrakumar S/o Sitaram Gupta,
Age : 59 Years, Occ. Business,
R/o. New Alipur Building No.180,
Kolkatta West Bengal

..APPLICANTS

Versus

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

2] Mukesh S/o Buddhaprakash Sharma,
Age : 48 Years, Occ. Engineer,
R/o. B-5, Mutha Complex,
Garkheda, Aurangabad

..RESPONDENTS

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Advocate for Applicants : Mr. P. N. Kalani
APP for Respondent no.: Mrs. V.S. Chaudhary
Advocate for respondent No.2 : Mr. M. B. Ubale

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

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 quashing of Regular Criminal Case No. 778 of 2018, pending in the Court of learned Judicial Magistrate, First Class, Aurangabad arising out of First Information Report No. 96/2016 registered with CIDCO Police Station, Aurnagabad. Charge sheet is filed for the offences punishable under Sections 406, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Both the sides are heard.

4. During the argument it was submitted that the first informant and the applicants have settled the dispute and the applicants have executed deed of assignment in favour of the first informant. Affidavit of the first informant/respondent No.2 to that effect is filed on record. This Court has carefully gone through the nature of allegations. There was agreement to sell of the property in favour of first informant but one of the applicant sold the property to third party in favour of applicant No.1 and due to that report was given.

5. In view of the aforesaid submissions and execution of the deed of assignment in favour of the first informant, he has no intention to lead evidence. In view of these circumstances, this Court holds relief needs to be granted. In the result following order :

ORDER

1. Application is allowed.
2. Relief is granted in terms of prayer clause (B).
3. Rule made absolute in those terms.
4. Entire proceeding pending before the learned
Judicial Magistrate (F.C.) is disposed of as quashed
and set-aside.

**[SMT.VIBHA KANKANWADI]
JUDGE**

**[T.V. NALAWADE]
JUDGE**

YSK/