

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 5359 OF 2017

Mohd. Ayyub Khan S/o. Mohd. Hussain Khan,
Age 45 years, Occu: Business,
R/o. Harsh Nagar, Labour Colony road,
Aurangabad.

... APPLICANT
(Original Complainant)

VERSUS

1. State of Maharashtra,
Through City Chowk Police Station,
Aurangabad.
2. Sushil S/o. Murlidhar Biyani,
Age 42 years, Occ- Advocate,
R/o. Behind Yeshe Mangal Karyalaya,
Osmanpura, Aurangabad.

... RESPONDENTS
(Non-Applicant No.2
is Original Informant)

WITH

CRIMINAL APPLICATION NO. 5360 OF 2017

Mohd. Ayyub Khan S/o. Mohd. Hussain Khan,
Age 45 years, Occu: Business,
R/o. Harsh Nagar, Labour Colony road,
Aurangabad.

... APPLICANT
(Original Complainant)

VERSUS

1. State of Maharashtra,
Through City Chowk Police Station,
Aurangabad.

2. Sushil S/o. Murlidhar Biyani,
Age 42 years, Occ- Advocate,
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Osmanpura, Aurangabad.

... **RESPONDENTS**
(Non-Applicant No.2
is Original Informant)

...
Mr. P. S. Pawar, Advocate for Applicant, in both the matters.
Mrs. V. S. Choudhari, APP for Respondent No.1/ State, in both the matters.
Mr. C. V. Joshi, Advocate for Respondent No.2, in both the matters.
...

CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 04th September, 2018.

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

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

2 The first proceeding is filed under Section 482 of the Code
of Criminal Procedure for relief of quashing of criminal case bearing
R.C.C. No.3522 of 2016 filed in FIR No.411 of 2016, registered with
City Chowk Police Station, District Aurangabad, for the offences
punishable under Sections 420, 467, 468, 470, 471 and 120-B of the
Indian Penal Code and the second proceeding is filed for the relief of

quashing of criminal case bearing R.C.C. No.3224 of 2016, which is also pending in the Court of learned Judicial Magistrate First Class, Aurangabad for the similar offences and it is filed in FIR No.368 of 2016, registered in the same police station.

3 This Court has carefully gone through the allegations made against the Applicants, who were member of local body at the relevant time. The brother of the Applicant Mohd. Ayyub had purchased some portion of the land Gat No.231/1 and two different portions were purchased by the first informant. The first informant is an Advocate and he has made allegations mainly against Shaikh Majid and others that they created false sale-deed in respect of two portions purchased by the first informant and two sale-deeds were only notarized. Allegations are made in the FIR that the persons had also come to him to blackmail him and they were saying that they were men of the present Applicant Mohd. Ayyub. There was no other allegation against the present Applicant. The first informant has filed compromise document, which is singed before the Notary public and it shows that he had taken the name of the present Applicant due to some misconception and he has no objection to grant relief to the

present Applicants. In the result, the following order is passed:

ORDER

- I. Both the applications are allowed.
- II. Relief is granted to the Applicants in terms of prayer clause (B), in both the proceedings.
- III. The fees of the counsel appointed by this Court is quantified as Rs.2,000/- in each proceeding. Total amount of Rs.4,000/- is to be given to him through the High Court Legal Services Authority.
- IV. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

ndm