

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.6332 of 2013

- 1) Rajkumar S/o. Chhakit Patil,
Age 35 years, Occupation : Agriculture,
R/o Talani, Taluka AUSA,
District Latur.
 - 2) Vijaykumar s/o Chhakit Patil,
Age 33 years,
R/o Shendra MIDC, Jalna Road,
Kumbephall, Aurangabad.
 - 3) Jaihind s/o Yeshwant Bhujbal,
Age 45 years, Occupation : Agriculture,
R/o Talani, Taluka AUSA,
District Latur.
- .. Applicants.**

Versus

- 1) The State of Maharashtra,
Through Police Inspector,
Police Station, Killari,
District Latur.
 - 2) Sanjay Parshuram Patil (Gaikwad)
Age 54 years, Occupation : Service,
R/o Chandroday Colony,
Road No.3, Prakash Nagar,
Taluka and District Latur.
- .. Respondents.**

Shri. M.G. Kochar, Advocate, holding for Shri. B.R.
Waramaa, Advocate, for applicants.

Shri. R.V. Dasalkar Additional Public Prosecutor, for
respondent No.1.

Shri. H.V. Patil, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 1 AUGUST 2018

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

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R.No.86/2013 filed with Police Station Killari, District Latur for offences punishable under sections 379, 34 etc. of the Indian Penal Code. Learned counsel for the applicants is heard. Learned Additional Public Prosecutor is heard. Learned counsel for respondent No.2 submitted that as per his information Sanjay, the first informant is dead and he has no instructions from the legal representatives of Sanjay Patil.

2) Learned counsel for the applicants today produced on record copy of decree passed on the basis of compromise in Regular Civil Suit No.690/2013. The terms of the compromise show that the legal representatives of Sanjay admitted that possession of the disputed land was with the plaintiff, applicant. Though there was sale deed

in favour of Sanjay the parties settled that the sale deed was cancelled and consideration of Rs.42 lakh was given to the defendant of the suit. The terms of compromise show that on the relevant date there was possession of the plaintiff, present applicant. In view of these circumstances and as the case is registered for theft of crop from the land, this Court holds that nothing can be achieved by filing the case against the applicant. In the result, the application is allowed. Relief is granted in terms of prayer clause (A). Rule is made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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