

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.151 OF 2019

- 1] Mohd. Shafik Mohd Saidmiya Hajagirdar
Age 36 years, Occ. Agri.
- 2] Mohd. Saidmiya Abdulmiya Jahagirdar,
Age years, Occ. Agri.
- 3] Mohd. Shakil Mohd. Saimiya Jahagirdar,
Age 40 yrs, Occ. Agri.
- 4] Munavar Mohd. Majidmiya Jahagirdar,
Age 23 yearse, Occ. Agri.
- 5] Majidmiya Mohd. Abdullamiya Jahagirdar.
Age 30 years, Occ. Agri.
- 6] Hamidmiya Abdullamiya Jahagirdar
Age 56 years, Occ. Agri.
- 7] Mohd. Sabirmiya Mohd. Saidmiya Jahagirdar
Age 32 years, Occ. Agri.

All Applicant Nos. 1 to 7 are
R/o. Plot No.7, Survey No.9,
Pirjade Wada, Mehrun, Jalgaon.

... APPLICANTS.

VERSUS

- 1] The State of Maharashtra
through the MIDC Police Station,
Jalgaon, Dist. Jalgaon.
- 2] Iqbaluddin Jiyauddin Pirjade,
Age 60 years, Occ. Corporator.
R/o. Mehrun Gaon, Jalgaon.

.. . RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 1265 OF 2019

1] Iqbaluddin Jiyauddin Pirjade
Age Major, Occ.
R/o. Pirjade Wada, Mehrun,
Jalgaon..

2] Dara Iqbaluddin Pirjade
Age major, Occ.
R/o. Pirjade Wada, Mehrun
Jalgaon.

3] Islauddin Moinuddin Pirjade
Age major, Occ.
R/o. Pirjade Wada, Mehrun
Jalgaon.

.. APPLICANTS.

VERSUS

1] The State of Maharashtra
through MIDC Police Station,
Jalgaon.

2] Mohd. Shafik Mohd. Saidmiya Jahagirdar,
Age 35 years, Occ.
R/o. Near Mehrun Gaon Karvaja,
Jalgaon.

.. RESPONDENTS.

Advocate for Applicants : Ms. Chaitali R. Kutti Choudhary
APP for Respondent No.1: Mrs. V. S. Chaudhari
Advocate for Respondent No.2 : Mr. Prakash Randhir Harshal

...

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE ,JJ.**

DATE : 16th OCTOBER, 2019.

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

1] Heard. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

2] The first proceeding i.e. Criminal Application No. 151 of 2019 is filed for the relief of quashing the FIR No. 312 of 2017 registered with MIDC Police Station, Jalgaon for the offence punishable under Sections 307, 324, 143, 147, 149, 504,506 r/w. 34 of IPC and the proceeding of RCC No. 306 of 2018 pending before the learned Chief Judicial Magistrate, Jalgaon. The second proceeding i.e. Criminal Application no. 1265 of 2019 is filed for the relief of quashing FIR No. 313 of 2017 registered with the same police station and for quashing the charge sheet filed in the said crime bearing No. 62 of 2018 for the offences under Section 307, 324, 143, 147, 149, 506 of IPC as well as RCC No. 326 of 2018 pending with the Chief Judicial Magistrate, Jalgaon.

3] This court has gone through the record like copies of FIR and injury certificates. During arguments, learned counsel for both sides submitted that the parties have decided to settle the dispute amicably and they do not want to give evidence against each other. There is no serious injury. By way

of precaution this court had asked the learned APP to get the antecedents of the applicants. Today learned APP submitted that there were as many as 6 crimes registered from 2005 till 2013 against the applicant No.1 in Criminal Application No. 1265 of 2019. The offences were punishable under Sections 235 of IPC and one offence was registered under Section 353 of IPC. It appears that he was working as a Councillor/Corporator. The learned counsel for the applicant submitted that the elected representatives are required to agitate for public cause and hence, they are required to face prosecution.

4] Considering the above, this court holds that the relief can be granted to both sides, however, they will have to pay costs as the time of the investigation agency as well as this court was consumed. So in each proceeding, the applicants shall deposit an amount of Rs. 20,000/- for getting the relief.

5] In the result, both the proceedings are allowed, subject to deposit of cost of Rs. 20,000/- in each proceeding towards costs by the applicants, within a period of one month, with the High Court Legal Services Authority Sub-Committee,

Aurangabad. Relief is granted in terms of prayer clause (A) in both proceedings. Payment of costs shall be condition precedent for allowing the proceedings. If costs are not deposited, it shall be presumed that both the proceedings are dismissed.

6] Rule made absolute in above terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

grt/