

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.337 OF 2019

NAVNATH S/O. BHAUSAHEB BORUDE ..APPLICANT
VERSUS
THE STATE OF MAHARASHTRA AND ANR ..RESPONDENTS

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Advocate for Applicant : Mr. N. B. Narwade
APP for Respondents: Mr. S. B. Joshi
Advocate for Respondent No.2 : Mr. S.R. Zambare

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CORAM :T.V. NALAWADE AND
MANGESH S. PATIL ,JJ.
DATE : 14th MARCH, 2019

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

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

2. Proceeding is filed for relief of quashing of R.C.C No. 822 of 2018 which is presently pending in the Court of learned Judicial Magistrate, F.C Ahmednagar. Charge-sheet filed for the offences punishable under Sections 308, 436, 504, 506 of the Indian Penal Code against the present applicant and submissions made show that case is yet not committed by the Police. Charge-sheet filed for C.R. No. 224 of 2018 which was registered in M.I.D.C Police Station, Ahmednagar for the aforesaid offences. During the argument, the learned counsel for the applicant and first informant submitted that parties are settled the dispute and the settlement terms are filed on record, by way of affidavit. The affidavit

bears signature of the accused, signature of the first informant and thumb impression of injured witness Chandrabagabai. This Court has carefully gone through the record which include injury certificate of Chandrabagabai. She sustain simple injury and blunt truma. The record does not show that anybody had witnessed the incident in which the present applicant had set fire to his own house. The father of the present applicant gave report and mother had given the evidence of beating. In view of the aforesaid circumstances, this Court holds that relief needs to be granted. In the result 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.

[MAGESH S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

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