

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

CRIMINAL WRIT PETITION NO. 238 OF 2014

1. Mohd. Abdul Sayeed @ Shakil Abdul Karim
Age: 48 years, Occu.: Business,
R/o N-12, HUDCO, Aurangabad.
2. Shaikh Vahed Shaikh Fattu
Age: 53 years, Occu.: Labour,
R/o Rameshwar Plot,
Parbhani, Dist. Parbhani.
3. Sultana Begum Mohammad Khan
Age: 48 years, Occu.: Household,
R/o Sonpeth, Tq. Sonpeth,
Dist. Parbhani.
4. Shaikh Munir Shaikh Rahim
Age: Major, Occu.: Business,
R/o Dargah Road, Parbhani,
Dist. Parbhani

..PETITIONERS

VERSUS

1. State of Maharashtra
Through Superintendent of Police,
Parbhani, Dist. Parbhani.
2. The Police Inspector / Investigation Officer
Nanalpeth Police Station, Parbhani,
Dist. Parbhani.
3. S.M. Reddy,
Age: Major, Occu.: Service,
Investigation Officer / P.I.,
Nanalpeth Police Station,
Parbhani, Dist. Parbhani.

4. Abdul Hamid Abdul Karim
(Deceased)

5. Smt. Zohrabanu w/o Abdul Hamid
Age: 60 years, Occu.: Agri.,
R/o Vidyalankar Junior College,
Labour Colony, Aurangabad

..RESPONDENTS

**WITH
CRIMINAL APPLICATION NO. 1210 OF 2014
IN
CRIMINAL WRIT PETITION NO. 97 OF 2014**

Abdul Hamid Abdul Karim
Age: 59 years, Occu.: Principal,
R/o Vidyalankar, Behind Hanuman Mandir,
Labour Colony, Aurangabad.

..APPLICANT

VERSUS

1. Mohd. Abdul Sayeed @ Shakil Abdul Karim
Age: 48 years, Occu.: Business,
R/o N-12, HUDCO, Aurangabad.

2. Shaikh Vahed Shaikh Fattu
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Parbhani, Dist. Parbhani.

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R/o Sonpeth, Tq. Sonpeth,
Dist. Parbhani.

4. Shaikh Munir Shaikh Rahim
Age: Major, Occu.: Business,
R/o Dargah Road, Parbhani,
Dist. Parbhani

..RESPONDENTS

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Mr. P.D Bachate, Advocate for petitioners
Mr. A.A. Jagatkar, A.P.P. for respondent – State
Mr. A.D. Khot, Advocate for respondent no.4

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CORAM : S.S. SHINDE AND
R.G. AVACHAT, JJ.
RESERVED ON : 17th JANUARY, 2019
PRONOUNCED ON : 24th JANUARY, 2019

JUDGMENT (PER : R.G. AVACHAT, J.)

The petitioners are the accused in Regular Criminal Case No. 67 of 2014 instituted for the offences punishable under Sections 420, 468, 478 read with Section 34 of the Indian Penal Code arising out of C.R. No. 68 of 2010 registered with Nanalpeth Police Station, Parbhani. The crime was registered pursuant to the report lodged by Respondent No.4 – Abdul Hami Abdul Karim in his capacity as President of the Satyavishnu Charitable Trust (“Trust” for short). On his demise, his widow Zahrabanu Abdul Hamid was brought on record of the petition.

2. It appears that it was a dispute over management of the Trust. There was dispute between the parties before the Assistant Charity Commissioner, Aurangabad Region over acceptance of the change report.

3. Criminal Application No. 1210 of 2014 in Criminal Writ
Petition being No. 97 of 2014 has been moved seeking directions to

Registrar (Judicial) of this Court, Bench at Aurangabad to make a complaint against Respondent Nos. 1 to 4 (petitioners in Criminal Writ Petition No. 238 of 2014) for necessary enquiry before the competent Court having jurisdiction under Sections 195 and 340 of the Code of Criminal Procedure for the offences punishable under Sections 191, 193, 200 and 209 of the Indian Penal Code.

4. The petitioners and Respondent No.5 in Criminal Writ Petition No. 238 of 2014 appeared before us and submitted to have arrived at an understanding. Respondent No.5 - Zahrabanu Abdul Hamid, widow of the first informant (Respondent No.4 in Criminal Writ Petition No. 238 of 2014) filed her affidavit. The parties have been identified by their respective counsel. It has been averred in the affidavit that as Respondent No.4 is no more, she, in the capacity of President of Trust, has decided not to pursue the impugned F.I.R. against the petitioners. It is to be noted that the impugned F.I.R. was registered in connection with the documents relating to the Scheme filed by Respondent No.4 under Section 50(A) of the Maharashtra Public Trust Act and objection raised thereon by the petitioners before the Assistant Charity Commissioner, Aurangabad. The said scheme application i.e. Enquiry No. 15 of 2009 has been rejected by the Assistant Charity Commissioner by its order dated 10th December,

2015 and the said order has not been challenged. As the subject matter has come to an end due to the order of the Assistant Charity Commissioner, Aurangabad in Enquiry No. 15 of 2009 and Respondent No.5 being President of the Trust deems fit to give consent for quashing and setting aside the impugned F.I.R. in the instant matter.

5. We are told that the parties to the proceedings are related with each other. The dispute mainly pertains to the management of the Trust. The parties have now compromised the matter with a view to maintain peace and harmony between them.

6. We have endorsed the compromise. In view of the above, the proceedings are disposed of with quashment of Regular Criminal Case No. 67 of 2014 arising out of crime bearing C.R. No. 68 of 2010 registered with Nanalpeth Police Station, Parbhani under Section 420, 468, 471 read with Section 34 of the Indian Penal Code. Rule is discharged. Both Criminal Writ Petition No. 238 of 2014 and Criminal Application No. 1210 of 2014 are disposed of accordingly.

(R.G. AVACHAT, J.)

(S.S. SHINDE, J.)

SSD