

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3534 OF 2018

1. Rupali W/o Sandeep Choudhary,
Age : 30 Years, Occ. Service
R/o. Vanashree Colony, Mohadi
Upnagar, Tq. And Dist. Dhule

2. Dadaji Manik Patil,
Age : 36 Years, Occ. Agriculture,

3. Vithoba Patil,
Age : 34 Years, Occ. Agriculture,

4. Rahul Girase,
Age : 23 Years, Occ. Private Job,

5. Bhanudas Patil,
Age : 36 Years, Occ. Service,

All resident of Vanashree Colony,
Mohadi Upnagar, Tq. And Dist. Dhule

..APPLICANTS

VERSUS

1. The State of Maharashtra

2. Mayur S/o Gunwant Borse,
Age : 22 Years, Occ. Business,
R/o. Vanashree Colony,
Mohadi Upnagar, Tq. And Dist. Dhule

..RESPONDENTS

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Advocate for the Applicants : Mr. C.C. Deshpande

A.P.P for respondent-State : Mr. K.S. Patil

Advocate for respondent No.2 : Mr. G.D. Jain (Appointed)

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WITH

CRIMINAL APPLICATION NO. 712 OF 2019

1. Anita W/o Bhanudas Patil,
Age : 35 Years, Occ. Household
R/o. Near Hanuman Mandir, Varkheda,
Tq. And Dist. Dhule
2. Manisha W/o Madhukar Patil,
Age : 41 Years, Occ. Labour
R/o. Vanashree Colony, Mohadi
Upnagar, Tq. And Dist.
Dhule

...APPLICANTS

VERSUS

1. The State of Maharashtra
2. Mayur S/o Gunwant Borse,
Age : 22 Years, Occ. Business,
R/o. Vijayshree Colony,
Mohadi Upnagar, Dhule

..RESPONDENTS

....

Advocate for the Applicants : Mr. C.R. Deshpande

A.PP for respondent-State : Mr. K.S. Patil

Advocate for respondent No.2 : Mr. G.D. Jain (Appointed)

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

DATE : 07th AUGUST, 2019.

JUDGMENT(PER T.V. NALWADE, J] :-

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

2. Both the proceedings are filed for relief of quashing of FIR No. 102/2018 registered with Mohadi Upnagar Police Station, Dhule for the offences punishable under Sections 143, 147, 148, 149, 452, 326, 504,506 of Indian Penal Code and also for quashing of the proceeding

R.C.C. No. 25/2018 pending in the Court of learned Judicial Magistrate, First Class Dhule for these offences.

3. During the argument it was submitted that though in the proceeding it is mentioned that charge sheet is filed for the offence punishable under Section 326 of the Indian Penal Code but the charge sheet is filed for the offences punishable under Section 323 of the Indian Penal Code and not Section 326 of the Indian Penal Code. The copy of ferist is produced on the record by the applicant showing that main offences mentioned are Section 452 and 323 of the Indian Penal Code. It appears that all the accused were not made petitioner in the proceeding. In view of the circumstances that the parties have settled the dispute permission is granted to amend one of the two proceedings and add the names of remaining accused in the proceeding as applicant.

4. This Court has carefully gone through copy of First Information Report and police statements. There was some dispute in respect of hand loan given by pledging gold ornaments. Parties have now settled the dispute and affidavit of the informant to that effect is filed. Considering nature of dispute and considering nature of injury mentioned in MLC, this Court holds relief needs to be given. In the result both the applications are allowed. Relief is granted in terms of prayer clause 'C-1' in proceeding Criminal Application No. 3534 of 2018

and prayer clause 'B' in the second proceeding. Rule made absolute in those terms.

5. Fees of the learned Advocate Mr, Mr. G.D. Jain, appointed on behalf of respondent no.02, is quantified at Rs. 4,000/ (Rupees four thousand), which would be payable by the High Court Legal Services Sub Committee at Aurangabad.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/