

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

Criminal Application No.840 of 2019

- 1) Vijaya Mohan Chandak,
Age 20 years,
Occupation : Education,
R/o Block I-32, Arihant Nagar,
Backside of Jain Temple,
Aurangabad.
- 2) Sangeeta Mohan Chandak,
Age 41 years,
Occupation : Household
R/o Block I-32, Arihant Nagar,
Backside of Jain Temple,
Aurangabad. **.. Applicants.**

Versus

- 1) The State of Maharashtra,
Through Police Station Officer,
Police Station Jawahar Nagar,
Aurangabad.
- 2) Pratima w/o Dipak Jaiswal,
Age 39 years,
Occupation : Business,
R/o. House No.A-13,
Arihant Nagar, Aurangabad. **.. Respondents.**

Shri. Mohit R. Deshmukh, Advocate, for applicants.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondent No.1.

Shri. S.S. Dargad, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.K. SONAWANE, JJ.**

Date: 30 AUGUST 2019

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

1) Rule. Rule made returnable forthwith. Heard both sides by consent for final disposal.

2) The proceeding is filed for relief of quashing of F.I.R. No.I-103/2017 registered with Jawahar Nagar Police Station Aurangabad for offence punishable under section 380 read with 34 of Indian Penal Code and also the case filed in this F.I.R. bearing R.C.C.No.2331/2017 presently pending in the court of the learned Judicial Magistrate, First Class, Aurangabad.

3) Learned counsel for the applicants and the informant submit that there was some misunderstanding and due to that said report was given. Affidavit is filed by the parties to the effect that out of acquaintance between the youngsters of the two houses they had taken away the ornaments but the informant felt that there was theft of

the ornaments and report was given. Recovery of the ornaments took place from the house of the present applicants. The applicants are not the habitual offenders. The applicant No.1 was the friend of the son of the informant. In view of nature of the dispute and the aforesaid circumstance that the parties have settled the matter, this court holds that the relief needs to be given. Learned Additional Public Prosecutor opposes to give the relief by submitting that there is recovery.

4) In the result, the application is allowed. Relief is granted in terms of prayer clauses (B) and (C). Rule is made absolute in those terms.

Sd/-
(K.K. SONAWANE, J.)

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

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