

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

CRIMINAL APPLICATION NO. 3551 OF 2018

1. Shaikh Waseem Shaikh Moin Chapparband,
Age 28 years, Occu. Business,
R/o Raheem Nagar, Super Market Road,
Parbhani, Tal. & Dist. Parbhani.
2. Shaikh Abdul Naeem Shaikh Abdul Rahim,
Age 45 years, Occ. Business,
R/o as above.
3. Mohammed Yusuf Abdul Raheem,
Age 25 years, Occ. Business,
R/o as above.
4. Shaikh Nazeer Shaikh Maheboob,
Age 38 years, Occ. Business,
R/o as above.

... **Applicants**

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Mondha,
Parbhani, Tal. & Dist. Parbhani.
2. Vishal S/o Ramesh Lahane,
Age 23 years, Occ. Business,
R/o Gautam Nagar, Parbhani,
Tal. & Dist. Parbhani.

... **Respondents**

with

CRIMINAL APPLICATION NO. 870 OF 2019

1. Shaikh A. Wajid Shaikh A. Rahim,
Age 35 years, Occu. Business,
R/o Raheem Nagar,
Parbhani, Tal. & Dist. Parbhani.

2. Shaikh Chand Pasha Shaikh Sailani,
Age 21 years, Occ. Business,
R/o as above.
3. Shaikh Javid Shaikh Ahemed,
Age 31 years, Occ. Business,
R/o as above.
4. Nadim Khan Amin Khan,
Age 22 years, Occ. Business,
R/o as above.

... Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Mondha,
Parbhani, Tal. & Dist. Parbhani.
2. Vishal S/o Ramesh Lahane,
Age 23 years, Occ. Business,
R/o Gautam Nagar, Parbhani,
Tal. & Dist. Parbhani.

... Respondents

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Mr. S.S. Thombre, Advocate for the Applicants.

Mr. S.B. Yawalkar, Advocate for Respondent-state.

Mr. M.S. Karad, Advocate for Respondent no.2.

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**CORAM : T.V. NALAWADE &
MANGESH S. PATIL, JJ.**

DATE : 28.03.2019

ORAL JUDGMENT :

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

2. These two proceedings are filed for relief of quashing of F.I.R. No.

368 of 2018 registered with Mondha Police Station, Parbhani for the offences punishable under Section 307, 143, 147, 148, 149 of I.P.C., Section 4 and 25 of the Arms Act and Section 3(1) (R) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 and Section 135 of the 135 Bombay Police Act.

3. Both the original complainant and injured witness have filed affidavits and it is submitted by their counsels that they have no objection to give the relief.

4. By way of precaution this Court had asked the learned A.P.P. to collect information with regard to antecedents of applicant no.1 in Criminal Application No.3551 of 2018 Shaikh Waseem and the learned A.P.P. had supplied information along with report. It shows that prior to present crime as many as three crimes were registered which include the offence punishable under Section 353, Section 3 and 7 of the Essential Commodities Act and Section 324. This Court has seen the copies of F.I.R. of those crimes. When this Court expressed that this Court is not inclined to grant relief even if there is no objection of the other side in favour of Shaikh Waseem, the learned counsel for the applicant no.1, on instructions, submits that he is not pressing the matter of Shaikh Waseem, so the proceeding of Shaikh Wasim is disposed of as withdrawn.

5. There is no record of serious antecedents as against the remaining applicants. In view of the nature of injuries sustained by the first informant and nature of dispute, this Court holds that the relief needs to be granted to applicant nos.2 to 4 in Criminal Application No. 3551 of 2018 and to all the applicants in Criminal Application No. 870 of 2019. In the result following order:

ORDER

- I) Criminal Application No. 3551 of 2018 of applicant no.1 is disposed of as withdrawn. Application allowed in respect of Applicant nos. 2 to 4 in terms of prayer clause B.
- II) Criminal Application No. 870 of 2019 is allowed and relief is granted to them in terms of prayer clause-B.
- III) Rule made absolute in favour of the applicants of aforesaid two proceedings.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]