

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.985 OF 2019

Mohammad Haris s/o Mohammad Iliyas,

Age : 27 years, Occu : Labour,

R/o : Azijpura, Karanja Road, Beed

... Applicant

Vs.

1. The State of Maharashtra

2. Mushtaq Ali s/o Rashid Ali Bohara

Age : 43 years, Occu : Service,

R/o : Opp. B.M.C. Bank, Yasmin Complex,

Flat No.4, City Chowk, Aurangabad.

... Respondents

Advocate for Applicant : Shri V. C. Patil Ashtekar

APP for Respondent – State : Shri. M. M. Nerlikar

Advocate for Respondent No. 2 : Shri Saeed S. Shaikh

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

**DATE : 12TH JULY, 2019**

**ORAL JUDGMENT [PER T.V. NALAWADE]:**

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

2. The proceeding is filed for relief of quashing of case bearing RCC No. 755 of 2013, pending before the learned J.M.F.C. Aurangabad, arising out of Crime No. 200 of 2012 registered with Police Station, City Chowk, Aurangabad for the offences punishable under Sections 384, 420, 469 of IPC and Section 66-A of Information and Technology Act. The FIR was given by respondent No. 2. In the FIR allegations are made that the applicant used to send filthy messages by SMS on the mobile phone of the

wife of the first informant. Those messages are mentioned in FIR itself.

3. During argument, learned counsels for the applicant and first informant submitted that the first informant does not want to proceed with the matter as he thinks that the entire future and career of the applicant will be destroyed if he faces the trial for the aforesaid offences and is convicted. In view of the settlement, this Court had asked learned APP to ascertain as to whether the applicant was involved in the similar matters in the past. Such incidents are increasing day by day and so this Court has taken such precaution. The report submitted by police station shows that he was not involved in such matters, no such complaint was registered against him. The applicant is B.E. and he is aged about 28 years. In view of all these circumstances, this Court holds that relief needs to be granted to the applicant. In the result, the application is allowed. Relief is granted in terms of prayer clause 'B'.

4. The relief is granted subject to deposit of amount of Rs.10,000/-. The amount is to be deposited by the applicant within 10 days with High Court Legal Services Sub-Committee, Aurangabad. Rule is made absolute in those terms.

**( K.K. SONAWANE, J.)**

**( T.V. NALAWADE, J.)**