

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

CRIMINAL APPLICATION NO. 1043 OF 2019

Naresh S/o. Samadhan Salve,
Age 20 years, Occ. Education,
R/o. Warud (Bk.) Tal. Jafrabad,
Dist. Jalna.

... **Applicant**

Versus

1. The State of Maharashtra,
Through the Police Station Officer,
Police Station Jafrabad,
Tq. Jafrabad, Dist. Jalna.

2. Dnyaneshwar S/o. Ramchandra Solanke,
Age 34 years, Occ. Business,
R/o. Warud (Bk.) Tq. Jafrabad,
Dist. Jalna.

... **Respondents**

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Dr. Tawshikar Swapnil D., Advocate for the Applicant.

Mr. A.B. Girase, P.P. for Respondent-State.

Mr. Mazhar Jahagirdar, Advocate for Respondent No.2

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

DATE : 18.03.2019

ORAL JUDGMENT :-

Rule. Rule made returnable forthwith. By consent of both sides
matter is heard for final disposal.

2. The petition is filed for quashing of Crime No.66 of 2014 dated

21.07.2014 registered with Jafrabad Police Station, District Jalna for the offences punishable under Section 143, 147, 148, 341, 342, 427 of the I.P.C. as also for Section 135 of the Bombay Police Act.

3. The submissions made and the record show that the crime is registered on the basis of report given by one Dnyaneshwar Solanke. He has a shop of puncture and tyre repairs. He had noticed that some material which was kept outside his shop was missing and he learnt that some boys including present applicant had removed that material for keeping the same on the road to create obstruction to the traffic. The allegations were also made that the boys had removed and had set fire to those tyres which resulted in loss of Rs.45,000/-. In the said crime after making investigation charge-sheet was filed in the Court of J.M.F.C., Jafrabad which was numbered as R.C.C. No. 5 of 2015. Initially, the present applicant was shown as absconding accused and charge-sheet was filed under Section 299 of CR.P.C. but subsequently the applicant appeared in the matter and submitted that he was minor on the relevant date. The learned J.M.F.C. then advised police to file separate charge-sheet before Juvenile Court. Submissions made show that till today no such charge-sheet is filed before the Juvenile Court and the present applicant was deleted from the aforesaid regular criminal case.

4. Copy of the deposition of the first informant given in aforesaid

R.C.C. is produced on record and it shows that he turned hostile. He did not utter a word against anybody and he gave evidence that there was a quarrel in the village and some persons had removed the article. He did not take the name of present applicant or any other accused. No more evidence was given and the case came to be decided on 28.02.2018. On the basis of evidence given by the prosecution the Court could not hold that major accused were guilty of the offences.

5. Today the learned counsel for the applicant produced on record the affidavit of Dnyaneshwar Solanke to show that he has no objection to grant relief to the present applicant. The main offence is under Section 427 of the I.P.C. as there is allegation that loss was caused to the articles of the first informant by destroying or causing damage to those article and he has no grievance against the present applicant. Submissions made show that the present applicant is selected for Indian Army in general department and there will be verification of his antecedents. The applicant is feeling that the circumstance that a crime was registered may come in his way to get the job and so he has rushed to this Court. By way of precaution this Court had directed the learned P.P. to see as to whether there are other criminal cases registered against him, he has bad antecedents. Fortunately, learned P.P. could collect the record which is to the effect that no other crime was registered and in the past. The present crime was registered but there are

aforesaid circumstances with regard to that crime (Crime No. 66 of 2014). In view of these circumstances, this Court holds that relief needs to be granted in favour of the applicant.

6. In the result, the application is allowed. Relief is granted in terms of prayer clause-B.

7. Rule is made absolute in those terms.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]