

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

CRIMINAL APPLICATION NO.1419 OF 2019

- 1 Kailas s/o. Gangadhar Avatirak
Age : 35 years, Occu: Agril.
- 2 Chakradhar s/o Sambhaji Avatirak,
Age : 29 years, Occu: Agril.
- 3 Ananda s/o Digamber Avatirak,
Age : 34 years, Occu: Agril.
- 4 Gangadhar @Pintoo s/o Digamber Avatirak,
Age : 31 years, Occu: Agril.
All R/o. Patharad, Tq. Mudkhed, ... Applicants
Dist. Nanded

VERSUS

- 1 The State of Maharashtra,
Through Barad Police Station,
Tq. Mudkhed, Dist. Nanded.
- 2 Bhimrao s/o Rohidas Bhokare
Age : 29 years, Occu: Agril.
R/o. Patharad,
Tq. Mudkhed, Dist. Nanded. .. Respondents

...
Mr. Mahesh V. Ghatge, Advocate for Applicants.
Mr. K. S. Patil, APP for Respondent No.1 – State.

WITH

CRIMINAL APPLICATION NO. 1420 OF 2019

- 1 Bhimrao s/o. Rohidas Bhokare
Age : 28 years, Occu: Agril.
- 2 Rohidas s/o Kamaji Bhokare
Age : 54 years, Occu: Agril.
- 3 Ashok s/o Kamaji Bhokare
Age : 34 years, Occu: Agril.
- 4 Sambhaji s/o Satvaji Thorat
Age : 40 years, Occu: Agril.
All R/o. Patharad, Tq. Mukhed, .. Applicants
District Nanded

VERSUS

- 1 The State of Maharashtra,
Through Barad Police Station,
Taluka Mudkhed, District Nanded.
- 2 Kailas s/o Gangadhar Avatirak .. Respondents
Age : 35 years, Occu. : Agril. R/o. Patharad,
Taluka Mudkhed, District Nanded.

...
Mr. Mahesh V. Ghatge, Advocate for Applicants.
Mr. K. S. Patil, APP for Respondent No.1 – State.

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

DATED : 28th JUNE, 2019.

ORAL JUDGMENT (PER : T. V. NALAWADE, J.) :-

Rule. Rule made returnable forthwith. Heard finally, with consent of learned counsels appearing for the parties.

2. The proceeding bearing Criminal Application No. 1419 of 2019 is filed only for quashing of First Information Report No. 22 of 2016 dated 09-03-2016 registered with Barad Police Station, Taluka Mukhed, District Nanded, for the offence punishable under Sections 323 and 506 read with Section 34 of the Indian Penal Code (IPC) and Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The other proceeding bearing Criminal Application No. 1420 of 2019 is filed only for quashing of F.I.R. No. 23 of 2016 registered under Sections 394, 504 and 506 read with Section 34 of the IPC.

3. Both the sides submit that in the same incident, two reports were given by the parties of the same village. The dispute is arisen due to misunderstanding. The learned counsels submitted that the parties i.e. applicant as well as the complainant and other co-accused in each case have settled their dispute in view of intervention of villagers and they decided to abandon the prosecution against each other in the larger interest of the village and their personal interest also. They want to lead peaceful life in the village.

4. In view of the nature of the grievances expressed in the two proceedings, considering the possibility of exaggeration made in both crimes registered and parties are no more interested in continuing with the prosecution against each other, this Court holds that the relief needs to be granted in favour of applicants in both the proceedings.

5. Hence, the relief is granted in terms of prayer clause 'A' in both proceedings bearing Criminal Applications No. 1419 and 1420 of 2019. Rule is made absolute in those terms.

[K. K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

rrd.