

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 1451 OF 2019

Anil Vyanktesh Samag,
Age: 46 years, Occ: Pvt. Service,
R/o H-128/N-9, Shrikrishna Nagar,
Hudco. Aurangabad.

... APPLICANT
(Original Accused No.2)

VERSUS

1. State of Maharashtra,
Through the Police Inspector,
JINSI Police Station, Dist. Aurangabad.

2. Dr. Sharad Harinarayan Somani,
Age: 47 years, Occu: Medical Practitioner,
R/o. Plot No.11, Seven Hill,
MGM Road, Aurangabad.

... RESPONDENTS
(Resp. No. 2 is Ori. Informant)

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Mr. Aditya N. Sikchi, Advocate for Applicant.
Mr. A. S. Shinde, APP for Respondent No.1 / State.
Mr. Abhaysinh K. Bhosale, Advocate for Respondent No.2.

...

WITH

CRIMINAL APPLICATION NO. 1472 OF 2019

Dr. Sharad Harinarayan Somani,
Age: 49 years, Occu: Medical Practitioner,
R/o. Plot No.11, Seven Hill,
MGM Road, Aurangabad.

... APPLICANT
(Original Accused No.2)

VERSUS

1. State of Maharashtra,
Through the Police Inspector,
JINSI Police Station, Dist. Aurangabad.
2. Anil Vyanktesh Samag,
Age: 44 years, Occ: Pvt. Service,
R/o H-128/N-9, Shrikrishna Nagar,
Hudco. Aurangabad.

... RESPONDENTS

(Resp. No. 2 is Ori. Informant)

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Mr. Abhaysinh K. Bhosale, Advocate for Applicant.
Mrs. V. N. Patil (Jadhav), APP for Respondent No.1 / State.
Mr. Aditya N. Sikchi, Advocate for Respondent No.2.

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

DATE : 10th June, 2019.

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

. Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2 Criminal Application No.1451 of 2019 is filed for relief of
quashing of S.C.C. No.5581 of 2017, pending in the Court of learned
Judicial Magistrate First Class, Aurangabad, which is arising out of

FIR No.404 of 2016. The case is filed by Jinsi Police for the offences punishable under Sections 341, 294, 323 read with 34 of the Indian Penal Code. The second proceeding, Criminal Application No.1472 of 2019 is filed for relief of quashing of R.C.C. No.1610 of 2017, pending in the Court of learned Judicial Magistrate First Class, Aurangabad, which is arising out of FIR No.403 of 2016, registered with aforesaid police station for the offences punishable under Sections 452, 294, 504 read with 34 of the Indian Penal Code.

3 The submissions made and record show that the two matters have arisen out of cross-complaints. There was dispute between two neighbours and due to that reports were given. This Court has confirmed that the Applicants from both the proceedings have no bad antecedents. The parties have settled the dispute and such reply affidavits are filed. In view of the nature of dispute and nature of allegations made by them against each other, this Court holds that relief needs to be granted so that they can live peaceful life. In the result, the following order is passed:

ORDER

- I. Both the proceedings are allowed.
- II. Relief is granted in both the proceedings in terms of prayer clause (C).
- III. Rule is made absolute in those terms.

[K. K. SONAWANE, J.]**[T. V. NALAWADE, J.]***ndm*