

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

CRIMINAL APPLICATION NO.1619 OF 2019
WITH APPLN/1695/2019 WITH APPLN/2089/2019

1. Sumit S/o Sunil Kulkarni,
Age : 27 Years, Occ. Business
2. Varsha W/o Sunil Kulkarni,
Age : 45 Years, Occ. Household
3. Swayam S/o Devidas Singhaniya (Joshi),
Age : 27 Years, Occ. Business

All residing at Flat No.1 August Homes,
Ulkanakri, divisional sports complex road,
Aurangabad

..APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Cidco Police Station,
Aurangabad Dist. Aurangabad
2. Bhushan S/o Devidas Shirole,
Age : 36 Years, Occ. Business,
R/o. House No. 14-A, CIDCO N-5,
Aurangabad
3. Suresh S/o Sakharam Shingare,
Age : 40 Years, Occ. Business,
R/o. Plot No. 77, Nath Prangan, Garkheda
Parisar, Aurangabad.

..RESPONDENTS

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Advocate for Applicants : Mr. V.P. Bakal
APP for Respondents: Mrs. V. S. Chaudhary
Advocate for Respondent Nos. 2 and 3 : Mr. S.B. Rajebhosale

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**CORAM :T.V. NALAWADE AND
R.G. AVACHAT ,JJ.
DATE : 04th SEPTEMBER, 2019.**

ORAL JUDGMENT [PER T.V. NALAWADE J] :-

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

2. The first and second proceedings are filed for relief of quashing of FIR No. 210 of 2019 registered with CIDCO Police Station, Aurangabad for the offences punishable under Section 406, 420, read with Section 34 of the Indian Penal Code. The crime is registered on the basis of report given by one Bhushan Devidas Shirole. It is contention that he and his partner had entered into an agreement with Arati Kulkarni for purchasing her land. It is contended that on the date of agreement the land was not standing in the name of Aarati but it was standing in the name of her relatives and there was agreement to sale the land, after getting the land mutated in the name of Aarti. Proceeding was started before revenue authority and then land was entered in the name of Aarati. The allegations are made that substantial amount like amount of Rs. 42,50,000/- was given as earnest money, but Aarati and other accused then refused to transfer the land and thereby cheated informant and his partner. In the first proceeding, the accused Nos. 5 to 7 are praying relief of quashing and in second proceeding accused Nos. 1 to 4 are prayed for similar relief.

2. The proceeding, Criminal Application No. 2089 of 2019 is filed by the accused from C.R. No. 136/2019 registered with same Police Station

for the offences punishable under Section 452,323,504,506 read with Section 34 of the Indian Penal Code. This report is given by Ajay Narayan Kulkarni who is husband of Aarati and he has made allegations that out of the dispute which had started in respect of aforesaid agreement the incident in question took place on 16.03.2019 and in the incident the accused like Suresh Shringare and Bhushan Shirole entered his house quarreled and assaulted him and his son and gave threats of life. In respect of incident date 16.03.2019, the report was given on 17.03.2019, and crime came to be registered for these offences.

3. During the arguments the learned counsels of both the sides submitted that parties have settled the dispute . Affidavits to that effect are filed of the informants in both the proceeding. Today additional affidavit came to be filed of Amit Kulkarni which to the effect that though one case under Section 138 of the Negotiable Instrument Act was filed against him by one Sunil Patil (Summery Criminal Case No. 7012/2919 which was pending in the Court of learned Judicial Magistrate, First Class, Court No.13, Aurangabad) the said proceeding came to be disposed due to compromise. A copy of the said order is produced on record. This Court has taken care to see that there are no similar antecedents against the applicants. In view of the aforesaid circumstances, this Court holds that relief needs to be given to both the sides. So, in the first two proceeding the relief is granted in terms of

prayer clause 'B'. In the third proceeding also relief is granted in terms of prayer clause 'B'.

Rule made absolute in those terms.

[R.G. AVACHAT]
JUDGE

[T.V. NALAWADE]
JUDGE

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