

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1710 OF 2019

1. Shrinivas s/o. Laxminarayansa Damam,
Age 44 years, Occu. Business,
R/o. Behind Kalamandir, Near Rayat
Hospital, Somesh Colony, Nanded,
Tal. & District Nanded.
2. Venkatesh s/o. Laxminarayansa Damam,
Age 39 years, Occu. Business,
R/o. As above.

....Applicants.

Versus

1. The State of Maharashtra,
Through Incharge Police Station
Officer, Police Station, Vazirabad,
Nanded, Tal. & Dist. Nanded.
2. Vijay s/o. Ganeshrao Mukhedkar,
Age 63 years, Occu. Advocate,
R/o. Vajirabad, Nanded,
Tal. & District Nanded.

....Respondents.

Mr. N.T. Tribhuwan, Advocate for applicants.

Mr. M.M. Nerlikar, APP for respondent No. 1/State.

Mr. A.V. Indrale-Patil, Advocate for respondent No.2.

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.
DATED : 19/07/2019.**

ORAL JUDGMENT :

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

2. Amendment to correct the offences, police station

and crime number mentioned in prayer clause is allowed. Amendment is to be carried out forthwith.

3. The proceeding is filed for relief of quashing of the proceeding of R.C.C.No. 102/2019 which is pending in the Court of Judicial Magistrate, First Class, Nanded. The case is filed in C.R. No. 197/2014 registered with Vazirabad Police Station, Nanded for the offences punishable under sections 427, 447, 448, 452 and 34 of Indian Penal Code. During arguments, the learned counsel for applicants and first informant submitted that the parties have settled the dispute and as per the settlement, compromise decree is also given by the Trial Court. It was submitted that the tenant has handed over the possession of disputed property to the landlord. Photocopy of the said decree is taken on record . The first informant has no intention to give evidence against the applicants. In view of these circumstances, this Court holds that relief needs to be given. In the result, the application is allowed. Relief is granted in terms of prayer clause "B". Rule is made absolute in those terms.

[K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]