

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

CRIMINAL APPLICATION NO. 1814 OF 2019

Madhukar S/o Pandurang Pable,
Age:- 43 years, Occ. Agril.,
R/o: Koparda, Tq. Bhokardan,
District Jalna

.... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Bhokardan Police Station,
Tq. Bhokardan, Dist. Jalna.

2. Dinkar S/o Pandurang Pable,
Age:- 32 years, Occ. Agril.,
R/o Koparda, Tq. Bhokardan,
District Jalna.

....RESPONDENTS.

...

Mr. Nitin S. Ingle, Advocate for applicant
Mr. D.R. Kale, Advocate for respondent No. 1
Mr. P.P. More, Advocate for respondent No. 2.

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

DATED : 04th JULY, 2019.

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

Rule. Rule made returnable forthwith. Heard finally, with consent of learned counsel for parties.

2. Present proceeding is filed for relief of quashing the First Information Report bearing Crime No. 96 of 2019 registered with Bhokardan Police Station, District Jalna, for the offence punishable under Section 436 of the Indian Penal Code. Seen the First Information Report ("FIR"). The allegations made in the FIR

shows that first informant is real brother of the applicant-accused. On the day of incident, the applicant has poured petrol on his door and set on fire to his house. The neighbours immediately came there and they extinguished the fire. During the course of arguments, learned counsel for both side submit that parties have amicably settled their dispute as they are real brothers. The photocopy of settlement deed is dated 13-05-2019, whereas the Crime was registered on 22-03-2019. Today, affidavit is filed by the first informant.

3. The learned APP submits that there is record like Panchnama, which shows that house of the first informant was set on fire and there is one child witness to the incident.

4. Considering the nature of of allegations mentioned in the FIR and the circumstances that applicant and first informant are real brothers and they decided to resolve the dispute between them and in future live peacefully in the village, this Court holds that relief needs to be granted in favour of the applicant. In the result, Criminal Application is allowed in terms of prayer clause "A".

5. Rule is made absolute accordingly. No order as to costs.

[K. K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE