

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2615 OF 2019

1] Gajanan Bhikarchand Godhekar
Aged about 30 years, Occ. Labour
R/o. Jay Bajrang Nagar, Garkheda Parisar,
Aurangabad.

2] Kesarbai Bhikarchand Godhekar,
Age major, Occ. Household

3] Raju Bhikarchand Godhekar,
Age major, Occ. Labour.

4] Kavita Gajanan Godhekar,
Age major, Occ. Household

All the above are R/o
Jay Bajrang Nagar, Garkheda Parisar,
Aurangabad.

.. APPLICANTS.

VERSUS

1] The State of Maharashtra
through Police Inspector
Jawahar Nagar Police Station,
Tq. and Dist. Aurangabad.

2] Nilabai Mohan Gende
Age 65 years, Occ. Household
R/o. Jay Bajrang Nagar, Garkheda Parisar,
Aurangabad.

,, RESPONDENTS.

Mr. T.V. Kamble, Advocate for the applicants,
Mr. R.D. Sanap, APP for respondent No.1.
Mr. A.T. Witore, Advocate for respondent No.2.

WITH

CRIMINAL APPLICATION NO. 2616 OF 2019

1] Sachin Babulal Ahilye
Age major, Occ. Student.

2] Vilas Mohanrao Gende,
Age major, Occ. Student.

3] Akshay Vilas Gende
Age major, Occ. Student.

4] Shubham Babulal Ahilye,
Age major, Occ.
Above all are R/o. Plot No.4,
H. No. 12, Galli No.3, Swami Samarth Nagar,
Garkheda Parisar, Aurangabad.

.. APPLICANTS.

VERSUS

1] State of Maharashtra
through Police Inspector,
Jawaharnagar Police Station,
Tq. and Dist. Aurangabad.

2] Gajanan Bhikarchand Godhekar,
Aged about 30 years, Occ. Labour,
R/o. Jay Bajrang Nagar, Garkheda Parisar
Aurangabad.
(R-2 original informant)

.. RESPONDENTS.

Mr. A.T. Witore, Advocate for applicants,
Mr. D.R. Kale, APP for respondent No.1.
Mr. T.V. Kamble, Advocate for respondent No.2.

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

DATE : 16th OCTOBER, 2019.

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

1] Heard. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

2] The first proceeding i.e. Criminal Application No. 2615 of 2019 is filed for the relief of quashing the FIR No. 1 of 2019 registered with Jawahar Nagar Police Station, Aurangabad for the offence punishable under Sections 452, 323, 324, 504 r/w. 34 of IPC. The second proceeding i.e. Criminal Application no. 2616 of 2019 is filed for the relief of quashing FIR No. 391 of 2018 registered with the same police station for the offence punishable under Sections 452, 323, 324, 504 r/w. 34 of IPC .

3] During the arguments, the learned counsel for the applicants of both proceeding submitted that the parties have settled the matter and they have no intention to give evidence against each other. To that effect, affidavits are filed on record. The affidavits are signed by the injured in both the cases. Information is collected about the antecedents of the applicants and it is submitted that there are no bad antecedents against the applicants.

4] Considering the above, this court holds that the relief can be granted to both sides, however, they will have to pay costs as the time of the investigation agency as well as this court was consumed. So in each proceeding, the applicants shall deposit an amount of Rs. 10,000/- for getting the relief.

5] In the result, both the proceedings are allowed, subject to deposit of cost of Rs. 10,000/- in each proceeding towards costs by the applicants, within a period of one month, with the High Court Legal Services Authority Sub-Committee, Aurangabad. Relief is granted in terms of prayer clause (B) in both proceedings. Payment of costs shall be condition precedent for allowing the proceedings. If costs are not deposited, it shall be presumed that both the proceedings are dismissed.

6] Rule made absolute in above terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

grt/