

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

Criminal Application No.2820 of 2019

- 1) Ganesh s/o Balu Natkar,
Age 25 years,
Occupation : Agriculture.
- 2) Kartik s/o Balu Natkar,
Age 23 years,
Occupation ; Agriculture.
- 3) Prabhawati w/o Balu Natkar,
Age 43 years,
Occu: Agriculture & Household,
All r/o Kadethan (Bk),
Taluka Paithan, Dist Aurangabad. .. **Applicants.**

Versus

- 1) The State of Maharashtra
Through Principal Secretary,
Department of Home,
Mantralaya, Mumbai - 400 032.
- 2) Police Inspector,
Police Station, Pachod,
Taluka Paithan, Dist Aurangabad.
- 3) Gangubai w/o Sanjivan Natkar,
Age 38 years,
Occupation : Agriculture,
R/o Kadethan (Bk),
Taluka Paithan, Dist Aurangabad. .. **Respondents.**

Shri. Uttam Telgaonkar, Advocate, for applicants.

Shri. R.D. Sanap, Additional Public Prosecutor, for
respondent Nos.1 and 2.

Shri. S.P. Salgar, Advocate, for respondent No.3.

**Coram: T.V. NALAWADE &
S.M. GAVHANE, JJ.**

Date: 06 NOVEMBER 2019

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

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

2) The present proceeding is filed for the relief of quashing of the proceeding of Sessions Case No.207/2018 presently pending in the Sessions Court Aurangabad. The case is filed for offences punishable under sections 307, 336,504,506,201, 34 of the Indian Penal Code. The case had arisen out of F.I.R. No.335/2016 registered with Police Station Pachod, Tahsil Paithan, District Aurangabad. During arguments learned counsel for the applicants and the first informant submitted that the parties have settled the dispute. Attention of this Court is drawn to the similar compromise which was recorded in the court of the learned Judicial Magistrate First Class Paithan in R.C.C.No.74 of 2018.

3) This Court has gone through the record of investigation. This record includes injury certificates in respect of three injured persons. These three persons have filed affidavits to show that they have settled the dispute and they have no objection to grant relief claimed by the present applicants. Though three fractured injuries were caused, the dispute was of personal nature and that can be seen from the compromise document which was filed in the case which was pending before the Judicial Magistrate.

4) The learned Additional Public Prosecutor strongly objected to the grant of relief claimed by contending that time of the investigating agency and of this Court is consumed by the parties by filing such proceeding. Only due to present financial condition of the farmers this Court is imposing cost on lower side. Hence, following order.

5) The application is allowed. Relief is granted in terms of prayer clause (B) subject to condition of deposit of cost of Rs.10,000/- (Rupees Ten Thousand Only) by the

applicants with the High Court Legal Services Sub Committee Aurangabad. The cost amount is to be deposited within 15 days from today. If the cost is not deposited within the stipulated time it is to be presumed that the proceeding is disposed of as dismissed. Only if the cost is deposited it is to be presumed that the application is allowed and the relief is granted. Rule made absolute in those terms.

Sd/-
(S.M. GAVHANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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