

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3807 OF 2019

1. Mahmood Khan S/o Ibrahim Khan,
Age : 67 Years, Occ. Retired
2. Ayaz @ Ayan Khan S/o Ibrahim Khan,
Age : 62 Years, Occ. Business,
R/o. As above
3. Mujaheed Khan S/o Mahmood Khan,
Age : 28 Years, Occ. Business,
4. Majed Khan Mahmood Khan,
Age : 31 years, Occu. Business,

All resident of Lane No.1 and 2, Samta-
Nagar, Aurangabad

...APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector
Kranti Chowk Police Station,
Aurangabad
2. Haneef Khan Anwar Khan Pathan,
Age : 53 Years, Occ. Business,
R/o. Lane No.1, near Mahommadi
Masjid, Samta-Nagar, Aurangabad

..RESPONDENTS

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Advocate for the Petitioner : Mr. S.A. GAIKWAD
A.P.P for respondent State : Mr. R.D. Sanap
Advocate for respondent No.2 : Mr. M.R. Jadhav

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WITH

CRIMINAL APPLICATION NO. 2951 OF 2019

1. Haneef S/o Anwar Khan,
Age : 53 years, Occ. Business,

2. Shabaz S/o Haneef Khan,
Age : 23 Years, Occ. Agriculture,
3. Hafiz S/o Anwar Khan,
Age : 50 Years, Occ. Business,
4. Feroz S/o Anwar Khan,
Age : 50 years, Occ. Business
5. Nizam S/o Saeed Khan,
Age : 30 Years, Occ. Agriculture
6. Irfan S/o Feroz Khan,
Age : 23 Years, Occ. Business

All resident of lane No.01, Near
Mahommadi Masjid, Samta Nagar,
Aurangabad

..APPLICANTS

VERSUS

1. The State of Maharashtra
Through Police Station,
Kranti Chowk, Aurangabad
2. Majed Khan Mahemood Khan,
Age : 31 years, Occ. Business,
R/o. Lane No. 01 and 02, Samta Nagar,
Aurangabad.

.. RESPONDENTS

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Advocate for the Applicants : Mr. M.R. Jadhav
A.P.P. for respondent-State : Mr. R.D. Sanap
Advocate for respondent No.2 : Mr. S.A. Gaikwad

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**CORAM : T.V. NALWADE AND'
S.M. GAVHANE,JJ.**

DATE : 27-11-2019.

JUDGMENT(PER T.V. NALWADE, J] :-

Rule. Rule made returnable forthwith. By consent, heard

both the sides for final disposal.

2. The proceeding is filed for relief of quashing of FIR No. 154 of 2019, registered with Kranti Chowk Police Station, Aurangabad for the offences punishable under Sections 324, 323, 504 read with Section 34 of the Indian Penal Code. The other proceeding is filed relief of quashing of FIR bearing No. 156 of 2019 registered with same Police Station for the offences punishable under Sections 326, 324, 504, 506, 147, 148, 149 of the Indian Penal Code. The two crimes came to be registered out of the same incident. This Court has gone through the record of injuries sustained by the persons of both the sides.

3. During the arguments, learned counsels of the applicants of both the proceedings who also represented the first informant of the aforesaid two crimes submitted that parties have settled the dispute. They submitted that accused are residents of the same place and they want to lead peaceful life in future and for that they have settled the dispute. Affidavits are filed in both the proceedings of injured persons to the effect that they have no intention to give evidence against the accused in aforesaid crimes.

4. In view of nature of injuries, which were sustained and which are described in injury certificate, this Court holds that relief can be given. By way of precaution this Court had asked the learned A.P.P. to ascertain about the antecedents of the applicants involved in both the matters. Report is submitted of the concerned Police Station and it is to the effect against two persons like Shewan Hanif Khan and Feroz Answar Khan one crime was registered each. Against Shabaz S/o Haneef Khan Crime No. 29/15 was registered under Section 135 of the Maharashtra Police Act, and as against Feroz Anwar Khan the crime No. 353/2018 was registered with Jinsi Police Station, for the offences punishable under Sections 498-A, 323,504 read with Section 34 of the Indian Penal Code. Considering the offences which were registered in the past, this Court holds that it cannot be said that they have bad antecedents or they are hardened criminals.

5. In view of these circumstances, this Court holds that both the applications needs to be allowed. In the result, following order :-

ORDER

1. Both the applications are allowed.

2. Relief is granted to applicants in both the applications in terms of prayer clause "B".
3. The Applicants from Criminal Application No. 3807 Of 2019 and Criminal Application No. 2951 Of 2019 need to deposit total amount of Rs.50,000/ (Rs. 25,000/- in each matter) as costs of the present proceedings. The Applicants of these two applications are liable to share the amount of Rs. 25,000/- (Rs. Twenty Five Thousand) from each proceeding equally. The amount is to be deposited within four weeks from today in this Court and that is to be credited in the account of the High Court Legal Services Authority, Aurangabad. If the amount is not deposited, it is to be presumed that both the proceedings are dismissed.

IV. Rule is made absolute in those terms.

(S.M. GAVHANE, J.)

(T.V. NALAWADE, J.)

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