

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

**CRIMINAL APPLICATION NO.2922 OF 2018**

1. Azharuddin s/o Mazharuddin Farooqui,  
Age 35 years, Occu. Service  
R/o Jawahar Colony, Dhar Road,  
Parbhani, Tq. & Dist. Parbhani
2. Mazharuddin s/o Salimuddin Farooqui,  
Age 62 years, Occu. Retired,  
R/o as above.
3. Owais Hashim s/o Syed Asgar Hashim,  
Age 42 years, Occu. Service  
R/o as above.
4. Anisoddin s/o Rahimoddin Farooqui,  
Age 45 years, Occu. Private Service,  
R/o as above.

... **APPLICANTS**  
(Original Accused)

**VERSUS**

1. The State of Maharashtra  
Through the Police Inspector,  
Nava Mondha Police Station,  
Parbhani, District Parbhani  
(Copy to be served on the  
Public Prosecutor, High Court of  
Bombay, Bench at Aurangabad)
2. Mohd. Maqsood Ali s/o Mohd. Baqar Ali,  
Age 57 years, Occu. Service,  
R/o Jawahar Colony,  
Parbhani, District Parbhani

... **RESPONDENTS**  
(No.2 Orig. Complainant)

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Shri S.S. Kazi, Advocate for applicants  
Mrs. V.N. Patil Jadhav, A.P.P. for respondent No.1  
Shri Abhijit Namde, Advocate for respondent No.2  
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**WITH**

**CRIMINAL APPLICATION NO.1097 OF 2019**

1. Mohammad Maqsood Ali s/o  
Mohd. Baquer Ali, Age 59 years,  
Occu. Retired Govt. Servant  
R/o Jawahar Colony,  
Parbhani, District Parbhani
2. Nafees Begum w/o Mohd. Maqsood Ali,  
Age 43 years, Occ. Household,  
R/o Jawahar Colony, Parbhani,  
District Parbhani

... **APPLICANTS**  
(Original Accused)

**VERSUS**

1. The State of Maharashtra  
Through the Police Inspector,  
Nava Mondha Police Station,  
Parbhani, District Parbhani  
(Copy to be served on the  
Public Prosecutor, High Court of  
Bombay, Bench at Aurangabad)
2. Azaroddin s/o Mazooruddin Farooqui,  
Age 35 years, Occu. Computer Operator,  
R/o Near Bilal Masjeed,  
Jawahar Colony,  
Parbhani, District Parbhani

... **RESPONDENTS**  
(No.2 Orig. Complainant)

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Shri Abhijit Namde, Advocate for applicants  
Mrs. V.N. Patil Jadhav, A.P.P. for respondent No.1  
Shri S.S. Kazi, Advocate for respondent No.2

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**CORAM: T.V. NALAWADE AND  
R.G. AVACHAT, JJ.**

**DATED : 5th SEPTEMBER, 2019**

**ORAL JUDGMENT (PER T.V. NALAWADE, J.):**

Heard learned counsels for the parties. Rule. Rule made returnable forthwith and heard finally by the consent of learned counsel for the parties.

2. Criminal Application No.2922/2018 is filed for relief of quashing F.I.R. No.0278/2018, registered at New Mondha Police Station, Parbhani for offence punishable under Sections 384, 385, 504, 506 read with Section 34 of the Indian Penal Code. By making amendment, prayer is also made for relief of quashing of Charge Sheet bearing No.241/2018 filed in the Court of Chief Judicial Magistrate, Parbhani for the same offences.

3. In this case, allegations are made by respondent No.2 Mohd. Maqsood Ali s/o Mohd. Baqar Ali that, on 18/9/2018, the incident in question took place. On that day, the neighbours of the present applicants had quarreled with him. The allegations are made that, threats were given that by using the son of the neighbour namely Azharuddin, who is working as Reporter, they would defame the informant and they would see that some problem is created in his service and by saying so, they were demanding Rs.50,000/- as extortion money. The allegations are made that, said Azharuddin has been taking such steps by making complaints in his office and he has talked about such things to his colleague working in the same office. One case was filed due to trouble created by neighbour, and the applicants were pressurising the informant to withdraw that case also. In view of the allegations made by respondent No.2, crime was registered accordingly and case is filed.

4. In Criminal Application No.1097/2019, the relief of quashing of Charge Sheet No.420/2016, submitted before the Judicial Magistrate, First Class, Parbhani for the offences punishable under Sections 452, 323, 504, 506 read with Section

34 of the Indian Penal Code filed in crime registered in the same police station is claimed. The crime is registered at C.R. No.395/2016 . In that case, allegations are made by respondent No.2 Azharuddin that the neighbours, the applicants of this proceedings had cut the branches of the tree and they had thrown the branches at the place of the informant and when it was questioned, the applicants entered the house of informant and picked up quarrel and even beating was given. Due to such allegations, crime was registered under Sections 452, 323, 504, 506 read with Section 34 of the Indian Penal Code.

5. As the dispute is between two neighbours, matter was referred before the Mediator. The parties settled the dispute before the Mediator. They have filed affidavit to that effect. They do not want to give evidence against each other and they want to lead peaceful life. In view of the nature of allegations and nature of dispute, this Court holds that, relief needs to be granted in both the matters.

6. In the result, both the Criminal Applications are allowed. Criminal Application No.2922/2018 is allowed in

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terms of prayer clauses (B) and B-1). Criminal Application No.1097/2019 is allowed in terms of prayer clause (B).

Rule is made absolute in above terms.

(R.G. AVACHAT)  
JUDGE

(T.V. NALAWADE)  
JUDGE

fmp/-