

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3473 OF 2018

Chandrakant S/o Gangaram Indurkar,
Age : Major, Occ. Nil,
R/o. Dighod Islampur, Tq. Sonpeth,
Dist. Parbhani

2. Sadashiv Aabasaheb Dange,
Age : 55 Years, Occ. Agriculture,
R/o. Dange Niwas, Chitra Mandir,
Tq. Parli Dist. Beed
3. Ramkrishna Chandrakant Indurkar,
Age : 34 Yeares, Occ. Agricultgure,
R/o. At post Dighod Tq. Sonpet,
Dist. Parbhani
4. Rahul Chandrakant Indurkar,
Age : Major, Occ. Agriculture,
R/o. At post Dighod Tq. Sonept,
Dist. Parbhani
5. Vishnu Manikrao Muli,
Age : 36 Years, Occ. Agriculture
R/o. At post Dighod Tq. Sonept,
Dist. Parbhani
6. Vishnu Kundlik Thembre
Age : 32 Years, Occ. Agriculture,
R/o. At post Dighod Tq. Sonept,
Dist. Parbhani

.. APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,

Parli City Police Station,
Beed Dist. Beed

2. Shankar Gangaram Indurkar,
Age : 80 Years, Occ. Agriculture,
R/o. At post : Dighod Tq. Sonpet
Dist. Parbhani.

... RESPONDENTS

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Advocate for the Applicants : Talekasr and Associates
A.PP for respondent-State : Mr. S. B. Yawalkar
Advocate for respondent No.2 : Mr. A. N. Nagargoje

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**CORAM :T.V. NALAWADE AND
MANGESH S. PATIL ,JJ.**
DATE : 4th APRIL, 2019.

ORAL 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 quashing of FIR No 223 OF 2018 registered with Parali City Police Station, for the offences punishable under Sections 420, 465, 468, 457, 471, 406, 504 read with Section 34 of Indian Penal Code.

3. The crime is registered on the basis of report given by one Shankar Indulkar. He has made allegations that false document of relinquishment was made showing that he was relinquishing his right in Plot No. 1 from city Survey No. 11 situated at Parali. The allegations were made that persons who had created false record were his relatives. During the argument learned counsel for the applicant and the first

informant submitted that the parties have settled the dispute. Affidavit of respondent No.2 Shankar is filed on record to show that he was not remembering that he had signed on any document due to his old age and that is why he had given the report. The affidavit is taken on record. In view of the nature of dispute and aforesaid affidavit of first informant this Court holds that relief needs to be granted. However, by making such allegations the criminal law was set in motion and time of the Police machinery must have been consumed for making investigation. Due to that, this Court holds that the first informant needs to pay the amount of Rs. 10,000/- (Rs. Ten Thousand only) as cost. In the result, application is allowed, relief is granted in terms of prayer clause 'A' subject to condition that amount of Rs. 10,000/- (Rs. Ten Thousand) is deposited by the first informant in the office of High Court Legal Service Authority Sub Committee at Aurangabad.

4. Rule made absolute in aforesaid terms.

[MAGESH S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

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