

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 5808 OF 2018

Digambar Kisan Raut & Ors.

... Petitioners

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. V.B. Koshe a/w Sachin Deokar for the Petitioner.
Mr. Rushikesh Kale for the Respondent Nos.3 and 4.
Smt. S.D. Shinde, APP for Respondent / State.

**CORAM : B.P.DHARMADHIKARI, &
REVATI MOHITE DERE, JJ.
DATE : 25th JANUARY, 2019**

P.C.:

1. Petitioners are present with their Advocates, Respondent Nos. 3 and 4 are also present with their Advocates. Respondent Nos. 3 and 4 have tendered separate affidavits giving no objection for quashing of the FIR.
2. Learned APP points out offences are grave and serious.
3. We find that offences are under Sections 364-A, 365, 368, 452 and 34 IPC.
4. Effort of parties to show that some misunderstanding which led to filing of police complaint. Respondent Nos. 3 and 4 state that loan amount is being paid in appropriate installments.
5. Without prejudice, learned Counsel for Petitioners upon

instructions states that Petitioners are ready and willing to pay reasonable amount for inconvenience caused to State Government and police machinery.

6. Prima facie, no offence under Section 364-A is made out.

7. In this situation, taking overall view of the matter, we direct three petitioners to pay costs of Rs.1,00,000/-. Out of it Rs.50,000/- shall be made over to TATA Cancer Hospital while remaining Rs.50,000/- shall be deposited by them in Juvenile Justice Fund of State of Maharashtra. The costs amount be deposited within three weeks.

8. If such amount is deposited, relief in terms of prayer clause (B) shall become absolute.

(REVATI MOHITE DERE, J.)

(B.P.DHARMADHIKARI, J.)