

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 3903 OF 2019**

Dilip Gulabrao Chavan,
 Age : 61 Years, Occ. Contractor,
 R/o. Plot No. 5, Yashwant Nagar,
 Saraswati Colony, Sahahada,
 Dist. Nandurbar.

... APPLICANT

VERSUS

1. The State of Maharashtra,
 Through Police Inspector,
 Shahada Police Station,
 Dist. Nandurbar

2. Hemlata Arunrao Shitole,
 Age : 37 Years, Occ. Agriculture,
 R/o. Shirud-digar, Tq. Shahada,
 Dist. Nandurbar.

.. RESPONDENTS

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Advocate for the Applicant : Mr. N. L. Chaudhari
A.P.P for Respondent-State : Mr. M.M. Nerlikar
Advocate for respondent No.2 : Mr. r.S.Shinde h/f
Mr. S.S. Pidgewar

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WITH**CRIMINAL APPLICATION NO. 3904 OF 2019**

Hemlata Arunrao Shitole,
 Age : 37 Years, Occ. Agriculture,
 R/o. Shirud-Digar, Tq. Sahahada,
 District Nandurbar.

...APPLICANT

VERSUS

1. The State of Maharashtra
 Through Police Inspector,
 Shahada Police Station,
 Dist. Nandurbar

2. Sunil Gulabrao Chavan,
Age : 51 Years, Occ. Agriculture,
R/o. Plot No.5, Yashwant Nagar,
Saraswati Colony, Shahada,
Dist. Nandurbar ... RESPONDENTS

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Advocate for the Applicant : Mr. R.S.Shinde h/f
Mr. S.S.Pidgewar
A.P.P for Respondent-State : Mr. S.G. Sangle
Advocate for respondent No.2 : Mr. N. L. Choudhary
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**CORAM :T.V. NALWADE AND
M. G. SEWLIKAR,JJ.
DATE : 03.02.2020.**

ORAL JUDGMENT(Per T.V. NALWADE, J] :-

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

2. In the first proceeding the relief of quashing of the proceeding No. Summary Criminal Case No.205/2017 pending in the Court of learned Judicial Magistrate (F.C.) Shahada, District Nandurbar arising out of C.R. No. 128/2014 is claimed. The case is filed for the offences punishable under Sections 354, 323, 504, 506 427 of the Indian Penal Code. The said incident took place on 23.07.2014 and report was given on same day by respondent No.2. In this matter, respondent No.2 has filed affidavit to the effect that they have undergone to the process of mediation and now they have decided to settle the dispute amicably. Similar application was filed in the trial

Court also but as the offence is non compoundable, relief is not given by the trial Court. She has no intention to give evidence against the present applicant.

3. In the second proceeding, the relief is claimed of quashing of proceeding of Regular Criminal Case No. 131 of 2015 which is filed in C.R. No. 131 of 2014 registered with Shahada Police Station, Nandurbar District Nandurbar for the offences punishable under Sections 452, 427, 323, 504, 506 read with Section 34 of the Indian Penal Code. The crime was registered on the basis of report given by respondent No.2 Sunil Chavan who is real brother of applicant Dilip from the first proceeding. The FIR was given on 25.07.2014, in respect of incident dated 23.07.2014. Submissions made show that both the sides had gone to local body to file the tenders and there the quarrel took place. In the Second proceeding also the informant has filed affidavit which is to the effect that he has no intention to give evidence against the applicant who is informant of the first case.

4. In view of the aforesaid circumstances, this Court holds that relief needs to be granted in both the proceedings. In the result, following order :-

ORDER

- I) Both the applications are allowed.
- II) Relief is granted in both the proceedings in terms or prayer clause 'B'.

As the time of Court and time of police machinery are consumed by both the sides, the order is subject to payment of costs of Rs. 20,000/- (Rs. Twenty Thousand) to be paid in each proceeding. The amount is to be deposited with High Court Legal Services Sub-Committee, Aurangabad, within two weeks from today. If the amount is not deposited it is to be presumed that both the proceedings are dismissed.

Rule made absolute in both the proceeding.

(M.G.SEWLIKAR, J.)

(T.V. NALAWADE, J.)

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