

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

CRIMINAL APPLICATION NO.391 OF 2021

**YASHKUMAR KANTILAL NASHIT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. R. V. Gore
APP for Respondent no.1 : Mr. A. A. Jagatkar
Advocate for Respondent no.2 : Mr. C. V. Bodkhe

...

WITH

CRIMINAL APPLICATION NO.393 OF 2021

**GANESH S/O. ONKAR JAVHERI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. R. V. Gore
APP for Respondent no.1 : Mr. A. A. Jagatkar
Advocate for Respondent no.2 : Mr. C. V. Bodkhe

...

WITH

CRIMINAL APPLICATION NO.335 OF 2021

**PARASRAM @ PRASHANT S/O. SHALIKRAM PAYGHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. M. V. Thorat
APP for Respondent no.1 : Mr. A. A. Jagatkar
Advocate for Respondent no.2 : Mr. C. V. Bodkhe

...

WITH

CRIMINAL APPLICATION NO.271 OF 2021

**RAHUL S/O. MADHUKAR VIDHATE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. Ruchir Wani h/f. Mr. A. S. Bajaj
APP for Respondent no.1 : Mr. A. A. Jagatkar
Advocate for Respondent no.2 : Mr. C. V. Bodkhe

...

**WITH
CRIMINAL APPLICATION NO.154 OF 2021**

JIGAR SHANLAL SHAH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. R. G. Nirmal holding for
Mr. S. S. Gangakhedkar
APP for Respondent no.1 : Mr. A. A. Jagatkar
Advocate for Respondent no.2 : Mr. C. V. Bodkhe

**WITH
CRIMINAL APPLICATION NO.521 OF 2021**

VIREN S/O. JAVAHARBHAI PAREKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. R. V. Gore
APP for Respondent no.1 : Mr. A. A. Jagatkar
Advocate for Respondent no.2 : Mr. C. V. Bodkhe

...
**CORAM : SUNIL P. DESHMUKH AND
NITIN B. SURYAWANSHI, JJ.**

DATE : 15th SEPTEMBER, 2021

PER COURT :

Since all these applications seek similar relief of quashing of First Information Report (FIR) in Crime No. 0755 of 2020 registered with Nanded Rural Police Station, Nanded, for the offences punishable under Sections 420, 483, 485, 486 and 427 of Indian Penal Code, 1860 (IPC) and Section 63 of Copyright Act, 1957, lodged by respondent no. 2 - informant, they are heard together and are being disposed of by this common order.

2. FIR in question was lodged by respondent no. 2 - informant against the applicants, in short alleging that he is the

manager at Madhukar Pharmacy, Taluka Soyegaon, District Aurangabad since 2001. His company has license for production of "Samrat Bam and Samrat Malam". His company has obtained trade mark of "Samrat Bam and Samrat Malam". The application for logo is pending before the competent authority. Since the sale of their product reduced, on inquiry it was found that, the applicants have supplied the product in the name of 'Samrat' for sale in Nanded district. Thus, the applicants have committed the offences mentioned in the FIR.

3. It is the case of the applicants that after registration of offence, the applicants approached respondent no.2-informant and clarified their stand, which cleared the misunderstanding of respondent no. 2 - informant. The parties amicably settled the dispute and decided to put an end all the disputes between them. Memorandum of understanding (Exhibit-B) was executed between the parties on 19-12-2020. As per the memorandum of understanding, respondent no. 2 - informant has assured to give consent for quashing of FIR in question and to file affidavit to that effect in this court. The applicants, therefore, pray for quashing of the FIR and proceeding pursuant to the same, on the basis of compromise.

4. Respondent no.2 - informant has filed affidavit confirming the settlement arrived at between the parties out of the

court. It is stated that the misunderstanding between the parties is cleared and they have decided to put an end all the disputes between them and abide by the terms and conditions recorded in memorandum of understanding. He has no objection to allow the present criminal applications for quashing of the FIR in question.

5. The parties have amicably settled their dispute. The offences punishable under Sections 420, 483, 486 and 487 are compoundable under Section 320 of the Code of Criminal Procedure. We do not find from the allegations in the FIR that Section 485 of IPC is attracted in the present case. In view of these circumstances, accepting the compromise arrived at between the parties, we are inclined to allow the present applications.

6. In the result, criminal applications are allowed in terms of prayer clause 'B' thereof.

7. Costs of Rs.25,000/- per application shall be deposited by the applicants in the respective applications. Respondent no. 2 shall also deposit costs of Rs.25,000/-. The costs be deposited by the parties with the High Court Advocates' Bar Association at Aurangabad, within a period of four weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE