

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

CRIMINAL WRIT PETITION NO. 418 OF 2020

Kamlakar Ganpat Kote and Others

..PETITIONERS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. Ajinkya Kale, Advocate h/f Mr. R.H. Mewara, Advocate for petitioners
Mr. R.B. Bagul, A.P.P. for respondent no.1 – State
Mr. A.D. Sonkawade, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 19th JUNE, 2023**

PER COURT :

1. Heard.
2. This petition has been moved for quashment of First Information Report ('F.I.R.'), being Crime No. 170 of 2011 registered with Shirdi Police Station, Dist. Ahmednagar for the offences punishable under Sections 143 and 353 of the Indian Penal Code and under Section 37(1)(3) read with Section 135 of Maharashtra Police Act and consequential charge-sheet filed in S.C.C. No. 4513 of 2014 pending on the file of Judicial Magistrate First Class, Rahata.

3. Respondent No.2 – informant has filed his affidavit giving his consent for allowing the petition. Learned A.P.P. informs the petitioners to have criminal antecedents. The record however indicates the petitioners to have been acquitted of such crimes.

4. Since the informant himself is before the Court giving express consent to allow the petition, allowing the prosecution to continue against the petitioners would be an abuse of process of the Court. Moreover, interest of justice demands grant of the application. In view of the same, criminal writ petition is allowed in terms of prayer clauses (A) and (B), subject to payment of Rs.20,000/- (Rupees Twenty Thousand) to be paid by the petitioners together to the High Court Legal Services Sub-Committee, Aurangabad within one week.

5. For compliance of order, stand over to 26th June, 2023.

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)