



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CRIMINAL APPLICATION NO.4218 OF 2024

- 1 Mohummad Kalimoddin s/o Mohummad Salimoddin,
Age 53 yrs., Occ. Service as Teacher
at Dr. Zakir Hussain High School.
- 2 Mohummad Halimoddin s/o Mohummad Salimoddin,
Age 51 yrs., Occ. Agri.,

Both are r/o Parali (V), Tq. Parali,
Dist. Beed.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Police Station,
Parali (Rural), Tq. Parali,
Dist. Beed.
- 2 Pradip Purushottam Navhade,
Age 49 yrs., Occ. Service,
R/o Ganesh Par, Parali-Vaijinath,
Parali (Rural), Tq. Parali, Dist. Beed.

... Respondents

...

Mr. S.S. Wagh, Advocate for applicants

Mr. A.R. Kale, APP for respondent No.1

Mr. D.G. Nagode, Advocate for respondent No.2

...

**CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.**

DATE : 25th OCTOBER, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing First Information Report vide Crime No.194/2023 dated 22.06.2023 registered with Parali Rural Police Station, Tq. Parali, Dist. Beed, for the offence punishable under Section 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

2 Issue notice to respondents. Learned APP waives notice for respondent No.1. Learned Advocate Mr. D.G. Nagode waives notice for respondent No.2 by appearing *suo moto* and files affidavit of respondent No.2, as there is compromise.

3 From the documents and the contents of First Information Report it appears that there was a civil transaction and a suit was filed by present applicants i.e. Special Civil Suit No.78/2022 for specific performance of contract, declaration and perpetual injunction. Compromise had taken place before 2nd Joint Civil Judge Senior Division, Ambajogai on 20.03.2014 and the said pursis of compromise was read and recorded and the suit was

withdrawn. Similarly, there was another suit i.e. Regular Civil Suit No.407/2022 before learned Joint Civil Judge Junior Division, Parali (V). That has also been withdrawn in view of compromise on 03.04.2024. Now also, it has been stated in the affidavit of respondent No.2 that since there is amicable settlement, he wants to withdraw all the allegations.

4 Taking into consideration the offence and the fact that there was a civil angle and allegation that a false document has been created on 25.01.1993 and it was never questioned till 22.06.2023, this is a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure.

5 Since even the informant has used the machinery and it appears that due to filing of First Information Report the compromise has taken place, we impose costs on applicants as well as informant. With these observations, following order is passed.

ORDER

- i) Criminal Application stands allowed.
- ii) The First Information Report vide Crime No.194/2023 dated 22.06.2023 registered with Parali Rural Police Station, Tq. Parali, Dist. Beed,

for the offence punishable under Section 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 stands quashed and set aside as against applicants, subject to deposit of costs of Rs.10,000/- (Rupees Ten Thousand only) each by both the applicants and respondent No.2, in this Court on or before 14.11.2023.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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