

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

944 CRIMINAL APPLICATION NO. 1473 OF 2024

Manoj Machindra Bhandare and Another

..Applicants

Versus

The State of Maharashtra and Another

..Respondents

.....

Mr. Sachin S. Deshmukh, Advocate for Applicants

Mr. A. D. Wange, APP for Respondent / State

Mr. Majit S. Shaikh, Advocate for Respondent No.2

.....

AND

945 CRIMINAL APPLICATION NO.1474 OF 2024

Anil Bhimraj Jarhad

..Applicant

Versus

The State of Maharashtra and Another

..Respondents

.....

Mr. Majit S. Shaikh, Advocate for Applicant

Mr. S. S. Dande, APP for Respondent / State

Mr. Sachin S. Deshmukh, Advocate for Respondent No.2.

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : July 19, 2024

PER COURT :-

. Criminal Application No.1473 of 2024 is for quashing the FIR bearing No.99/2023 registered with Police Station Virgaon, Aurangabad Rural, District Aurangabad for the offence punishable under Sections 323, 326, 504, 506 r/w. Section 34 of the Indian Penal Code (for short, 'I.P.C.') and the case arising out of the same bearing R.C.C. No.336/2023

pending with learned Judicial Magistrate First Class, Vaijapur.

2. Criminal Application No.1474 of 2024 is for quashing the FIR bearing No.97/2023 registered with Police Station Virgaon, Aurangbad Rural, District Aurangabad for the offence punishable under Sections 307, 452, 504, 506 of the I.P.C. and the case arising out of the same bearing R.C.C. No.335/2023 pending with learned Judicial Magistrate First Class, Vaijapur.

3. In both the aforesaid matters, the Investigating Machinery has filed the Charge-sheets. It is submitted by learned Advocates for the applicants that the aforesaid crimes arise out of matrimonial dispute. The matrimonial dispute is between Nilkanth Jarhad and his wife Vaishali Jarhad, who is informant in Criminal Application No.1474 of 2024. It is submitted by learned Advocates for the applicants that their matrimonial dispute is pending before the Civil Judge Senior Division, Vaijapur. The applicant - Anil in Criminal Application No.1474 of 2024 is brother-in-law of informant - Vaishali and applicants - Manoj and Pravin who are the applicants in Criminal Application No.1473 of 2024 are the cousins of Vaishali.

4. In both the applications, the Advocate for the applicant/s in one application is the Advocate for Respondent No.2 – Informant in the other Application. The affidavits are filed by the informants in both the applications. The victims in both the matters are present before this Court. It is submitted that the matter has been settled and the

applications be allowed.

5. Learned APP opposes the compromise.

6. On going through the papers, it is debatable as to whether the offence punishable under Section 307 of the I.P.C. would be made out. The parties registered crimes against each other out of the matrimonial dispute. The informant, the injured and the accused have settled the matters.

7. In view of above, the following order is passed.

ORDER

(i) Criminal Application No.1473 of 2024 is allowed in terms of prayer clause 'A' subject to depositing cost of Rs.20,000/- (Rs. Twenty Thousand only) to be paid by the Applicants to High Court Legal Services, Sub-Committee, Aurangabad within a period of one week from today.

(ii) Criminal Application No.1474 of 2024 is allowed in terms of prayer clause 'A' subject to depositing cost of Rs.20,000/- (Rs. Twenty Thousand only) to be paid by the Applicants to High Court Legal Services, Sub-Committee, Aurangabad within a period of one week from today.

8. List the Applications for compliance after a period of two weeks.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)