

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

**CRIMINAL APPLICATION NO. 358 OF 2015**

SHAIKH YASAR ISAK AND OTHERS.                      **..APPLICANTS.**

**VERSUS**

THE STATE OF MAHARASHTRA  
AND OTHERS                                                              **..RESPONDENTS.**

...

Advocate for Applicants : Mr.Narwade Narayan B.  
APP for Respondents/State: Mr.S.D. Kaldate.  
Advocate for Respondent 2 : Mr.Patekar Narendra B

...

**CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.  
Dated: JUNE 30, 2015**

**COURT ORDER:**

This Court on 10<sup>th</sup> February, 2015 passed the following order:

“ Heard the learned counsel appearing for the applicants and the learned counsel appearing for Respondent No.2. Affidavit of the complainant is filed on record. There is prayer for quashing the First Information Report on the ground of amicable settlement. The complainant in her affidavit stated that, the applicants and the complainant have settled their dispute amicably and they did not want to prosecute the case against each other. In para no.2 of the affidavit it is stated that, the complainant i.e. respondent no.2 and the applicants are residing in the same family since more than 30 years and having

roots in the society. Now they have settled the dispute amicably.

2. The learned counsel appearing for the applicants and respondent no.2 jointly submits that, the complainant is residing in matrimonial house with the applicants. Since there are serious allegations in the First Information Report of administering poisonous substance to the complainant, we wish to observe the conduct of the parties for few days since they have stated that, they are residing together.

3. In the circumstances, list application for further hearing on 30th June, 2015.

4. The further investigation in Crime No.I-265/2014 registered with Sangamner City Police Station on 03.12.2014 shall remain stayed till the next date of hearing. ”

2 The learned Counsel appearing for the applicants and the learned Counsel for the respondent No.2 i.e. original complainant jointly submit that complainant and applicant No.1 are staying together. There is no any untoward incident or ill-treatment at the hands of the applicant to the complainant. Therefore, they jointly submit that this application may be allowed.

3 Applicant No.1 and the complainant i.e. respondent No.2 are present before this Court. On

interacting with the respondent No.2, she stated that she is happily residing with the applicant No.1 in her matrimonial house. There is no ill-treatment or any trouble by the applicant No.1. She further stated that the settlement is with free will and without any coercion.

4 The learned Counsel appearing for the complainant submits that he will file affidavit of complainant stating therein the peaceful and happy life after settlement with the applicant No.1. On interacting with applicant No.1, he stated that he is ready to file an undertaking that henceforth he will not give any ill-treatment to the respondent No.2 or indulge in the offence like alleged in the present case. The learned Counsel appearing for the applicants submits that such an undertaking will be filed on record.

5 We make it clear that, separate affidavit of the complainant and the applicant No.1 in the form of

undertaking should be filed after duly verified by the Section Officer of the Criminal Branch. The concerned Section Officer also to verify identity of the parties. Since the parties are present, the concerned Section Officer shall also get the terms of affidavit / undertaking verified from the parties today itself. The respective Advocates of the parties should put an endorsement about identifying their respective clients.

Upon verification of the affidavit of Respondent No.2 and undertaking of applicant No.1, the concerned Section Officer to accept the same.

6 In the light of affidavit of Respondent No.2 and the undertaking filed by applicant No.1, the application is allowed in terms of prayer clause (B) and same is disposed of.

Parties to act upon authenticated copy of this order.

**(A.I.S. CHEEMA, J)**

**(S.S. SHINDE, J)**

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