

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2429 OF 2015

RAOSAHEB S/O BABU AADE & ORS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Warma B.R.
APP for Respondent/State : Mr. S.B. Pulkundwar
Advocate for Respondent no.2 : Mr. Choudhary S.U.

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.
Dated: June 23, 2015

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PER COURT :-

Rule. Rule made returnable forthwith and heard finally by the consent of the learned counsel appearing for the parties.

2. This application is filed with following prayer :-

“B) To quash and set aside FIR no.11/2015 registered with Ambajogai Police Station, Ambajogai, Tq. Ambajogai, Dist. Beed for alleged commission of offences punishable U/s 143, 147, 149, 354, 294, 323, 504, 506 of I.P. code and 3(1) (10) & (11) of the Atrocities Act and applicants be set at liberty.”

3. In pursuance to the notices issued to the Respondents, the Respondent No.2 has filed affidavit. The para 3 of the said affidavit reads thus :

“3) The applicants are resident of nearby village and well acquainted with deponent. After filing of report, son of deponent had disclosed about advance amount disbursed by Gangakhed Sugar Factory. Therefore, with the intervention of villagers of village Radi (Tanda) and Dhanora dispute is settled amicably and applicants had tendered unconditional apologies before the villagers, and members of Tanta Mukti Samiti. the deponent has satisfied by the assurance of good behaviour given by applicants and by the members of Tanta Mukti Samiti, hence the deponent has no grudge against the applicants and Criminal Application No. 2429/2015 may please be allowed and F.I.R. may be quashed on recording undertaking of good behaviour of applicants.”

4. The applicants and the complainant were present before this Court on 8th June, 2015. On the said date, we interacted with the complainant and also applicants and referred to their versions in the said order. On 10th June, 2015, the undertaking is filed by the applicants. The relevant portion of the said undertaking reads thus :-

“1) Criminal Application No. 2429/2015 is filed for quashing of F.I.R. No. 11/2015 more particularly on the ground that dispute is settled between complainant and accused before the villagers and Tanta Mukti Samiti. The

complainant has also acknowledged the said fact by filing reply. Pursuant to the said aspect, the applicants undertake that they will respect the complainant, maintain harmony, good relations with complainant and her family, they will not raise any sort of dispute with complainant and will maintain good behaviour. Hence this undertaking.”

5. We have considered the allegations in the First Information Report, averments in the application filed by the applicants, averments in the affidavit in reply filed by Respondent No.2 and undertaking filed by the applicants. In our opinion, in the light of the judgment of the Supreme Court in the case of ***Gian Singh V/s. State of Punjab and another¹***, ends of justice would be met, if the application is allowed. No fruitful purpose would be served by keeping the proceedings pending arising out of F.I.R. bearing C.R. No. 11/2015, looking to the contents of F.I.R. and since the complainant has amicably settled the matter and also to avoid abuse of process of law.

6. It appears that, the parties appeared before the Tanta Mukti and also elderly persons of the village and they have resolved the dispute. In that view of the matter, the application is allowed in terms of prayer clause `B'.

7. This order should be read in continuation of the order dated 8th June, 2015.

1. 2012 (10) SC Page 303;

8. Rule is made absolute in the above terms. The application is disposed of accordingly.

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

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

sga/-

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