

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4612 OF 2015

BHAUSAHEB S/O JAYRAM DEORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Gaikwad Anil M.
APP for Respondents: Mr. A.S. Shinde
Advocate for the respondent Nos.2 and 3: Mr. V.P. Sawant

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 17th DECEMBER, 2015

P.C. :-

1. The present application is filed for quashing of complaint bearing crime No. I-25 of 2015 registered with Gangapur police station for the offences punishable under Sections 420, 323, 506 r.w. 34 of I.P.C. as well as charge sheet No. 86 of 2015 dated 9.6.2015. and subsequent criminal proceeding bearing R.C.C. No. 214 of 2015, pending before the learned J.M.F.C. Gangapur.

2. The complaint was filed by the present respondent No.2 against the present applicant and respondent Nos. 4 to 7.

3. It is submitted by Mr. Gaikwad, learned counsel for the applicant that the parties have settled the matter. The respondent-

original complainant is ready to withdraw the complaint and the amount recovered be allowed to be paid to the complainant.

4. Mr. Savant, learned counsel appearing for respondent Nos. 2 and 3 submits that respondent Nos. 2 and 3 have filed affidavit, *inter-alia*, suggesting that the compromise is arrived at between the parties. If the amount recovered by the applicant is given to the complainant, they do not have any objection for quashing the criminal proceeding.

5. An amount of Rs.4,30,000/- is recovered by the police from Manisha w/o Bhausahab Deore. She has also filed affidavit that the said amount is deposited by her with Gangapur police station and she does not have any claim or interest over the said amount. The amount of Rs.3,20,000/- is recovered from Sanjay Sonyabapu Agale, who has also filed affidavit stating that he has no claim or interest in the said amount, which is deposited by him before Gangapur police station and remaining amount is recovered from the applicant.

6. The complainants i.e. respondent Nos. 2 and 3 are present before the Court. They accept that they have filed affidavit before the Court and state that they have no objection if the complaint is quashed and they are paid the amount. They are identified by their

advocate Mr. Savant. They admit the contents of their affidavit.

7. Affidavit of Sanjay Sonyabapu Agale is tendered by Mr. Gaikwad learned counsel for the applicant. The affidavit of wife of the present applicant is already filed Mr. Gaikwad. The charge sheet is filed for the offences punishable under Sections 420, 323, 506 r.w. 34 of I.P.C. Considering the aforesaid conspectus of the matter, said settlement is accepted.

8. In the light of the above, complaint being R.C.C. No. 214 of 2015 pending before the learned J.M.F.C. Gangapur pursuant to the charge sheet No. 86 of 2015 arising out of Crime No. I-25 of 2015 registered with Gangapur Police station for the offences punishable under Sections 420, 323, 506 r.w. 34 of I.P.C. is quashed and set aside. The amount recovered be paid to the complainants i.e. respondent Nos. 2 and 3 herein.

9. Criminal application is disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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