

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

Criminal Application No. 6844 of 2014

Avinash Kailas Pathak,
Age : 29 years,
Occupation : Business,
R/o. Gandhi Nagar, Kopargaon,
Taluka : Kopargaon,
District : Ahmednagar.

.. Applicant
(Original accused)

versus

1. The State of Maharashtra,
Through Kopargaon Police Station.

2. Manisha Balasaheb Kurhade,
Age : 29 years,
Occupation : Business,
R/o. Gandhi Nagar, Kopargaon,
Taluka : Kopargaon,
District : Ahmednagar.

.. Respondents.

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*Mr. Shailesh S. Chapalgaonkar, Advocate, for
the applicant.*

*Mrs. M.B. Gangwal (Patni), Additional Public Prosecutor,
for respondent no.1 - State.*

Mr. S.K. Shinde, Advocate, for respondent no.2.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 24TH FEBRUARY 2015

ORAL JUDGMENT *(Per S.S. Shinde, J.) :*

1. Heard Adv. Mr. S.S. Chapalgaonkar appearing for the applicant, learned APP Mrs. M.B. Gangwal (Patni) appearing for the respondent no.1 - State, and Adv. Mr. S.K. Shinde appearing for respondent no.2.
2. Rule. Rule made returnable forthwith. By consent of the learned Counsel for the parties, heard finally.
3. By the present Application, the applicant has prayed to quash and set aside the FIR / Crime No. I-282/2014, for offence punishable under Sections 354(A)(1), 452, 323, 504, 506 and 427 of Indian Penal Code, registered with Kopargaon Police Station [District : Ahmednagar], dated 18-10-2014.
4. In pursuance to the notice issued to the respondents, affidavit in reply on behalf of respondent no.2 is filed.
5. Upon careful perusal of the affidavit in reply, it appears that the applicant / accused and the respondent no.2 arrived at a settlement and applicant filed undertaking for keeping peace in the locality, in the proceedings filed for anticipatory bail before the High Court. We have perused the averments made in the affidavit in reply.
6. Since the parties have amicably settled the dispute, no fruitful purpose would be served by keeping the proceedings pending. Since the

original complainant is not going to support the allegations in the FIR / complaint, further proceedings based upon Crime No. I-282/2014 would be abuse of process of court and would be in exercise of futility.

7. In that view of the matter, the Application is allowed.

The FIR / Crime No. I-282/2014, for offence punishable under Sections 354(A)(1), 452, 323, 504, 506 and 427 of Indian Penal Code, registered with Kopargaon Police Station [District : Ahmednagar], dated 18-10-2014, is quashed and set aside.

8. Rule made absolute in the above terms.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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