

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1891 OF 2016

- 1) Sayyed Maqsood s/o Syed Rauf,
Age-29 years, Occu:Business,
R/o-Shahagad, Tq-Ambad,
Dist-Jalna,
- 2) Sayyed Maruf Sayyed Rauf,
Age-32 years, Occu:Business,
R/o-As above,
- 3) Laik Ahamad Gulam Ahamad Jafari,
Age-44 years, Occu:Service,
R/o-Shaha Bazar, Aurangabad,
- 4) Mashuda Begum w/o Laik Ahmad Jafari,
Age-39 years, Occu:Business,
R/o-As above.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Asgar Khan s/o Abdul Rahman Khan,
Age-Major, Occu:Business,
R/o-New S.T. Colony, Katkat Gate,
Aurangabad,
- 3) Nagma Khan s/o Asgar Khan,
Age-22 years, Occu:Household,
R/o-New S.T. Colony, Katkat Gate,
Aurangabad.

...RESPONDENTS

...
Mr.K.S. Kahalekar Advocate h/f. Mr. N.S.
Ghanekar Advocate for Applicants.
Mr.S.Y. Mahajan Additional Public Prosecutor,
for Respondent No.1.
Mr.M.A. Khan Advocate for Respondent Nos.2 & 3.
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**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 30TH NOVEMBER, 2016

ORDER :

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

2. The Applicants and Respondent Nos.2 and 3 have filed the settlement deed on record duly signed by the Applicants and Respondent Nos.2 and 3. The same is taken on record and marked "x" for identification purpose. The parties are identified by the respective Advocates appearing for them. Terms of the settlement deed are verified before the learned Registrar (Judicial)

of this Court.

2. Applicants and Respondent Nos. 2 and 3 are present in the Court. We have made specific query to the Applicants and also to Respondent Nos.2 and 3, whether they have voluntarily agreed for the terms of amicable settlement or the said terms of settlement are result of coercion or pressure. In reply to said query, Respondent Nos.2 and 3 specifically stated that it is their voluntary act to enter into settlement with the Applicants. Applicant No.1 also stated that the parties will act in accordance with the terms of the settlement deed.

3. Upon careful perusal of terms of the settlement, it appears that after registering the crime, charge-sheet came to be filed before the Sessions Court, Aurangabad and case is numbered as R.C.C. No.1437 of 2015. It further appears that Applicant No.1 and Respondent No.3 amicably

settled the dispute on 21st May 2015 and they had put an end to their marital tie and had settled all their disputes. It is also stated that Respondent No.3 does not wish to prosecute the complaint filed by her for offence punishable under Section 498-A of the Indian Penal Code and other offences.

4. In view of the settlement arrived between the parties, no fruitful purpose would be served by keeping the further proceedings of R.C.C. No.1437 of 2015 pending. Continuation of further proceedings of R.C.C. No.1437 of 2015 (Asghar Khan s/o Abdul Rahman Khan vs. Syed Maqsood Syed Abdul Rauf and others) will be abuse of process of law and wastage of valuable time. Therefore, keeping in view the exposition of law by the Supreme Court in the case of **Gian Singh vs. State of Punjab and another, 2012 A.I.R. S.C.W. 5333**, we are of the considered view that the Application deserves to be allowed in terms of prayer clause (B).

5. The Criminal Application is allowed. The proceedings in R.C.C. No.1437 of 2015 pending before learned J.M.F.C. at Aurangabad under Sections 452, 323, 504, 506 read with 34 of the Indian Penal Code is quashed and set aside.

6. Rule is made absolute in above terms. The Criminal Application stands disposed of, accordingly.

[K.K. SONAWANE, J.]

asb/NOV16

[S.S. SHINDE, J.]