

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4392 OF 2016
(Vilas s/o Bhanudas Mundhe and others Vs. The State of
Maharashtra and another)

AND

CRIMINAL APPLICATION NO. 4387 OF 2016
(Jitendra s/o Malhari Gaikwad and others Vs. The State
of Maharashtra and another)

Mr. M.B. Sandanshiv, Advocate for the applicants in
Cri. Application No. 4392/2016 and for respondent No. 2
in Cri. Application No. 4387/2016

Mr. A.D. Shinde, Advocate for the applicants in Cri.
Application No. 4387/2016 and for respondent No. 2 in
Cri. Application No. 4392/2016

Mr. S.W. Munde, A.P.P. for the respondent/State in
both the applications

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 26th September, 2016

PER COURT :

Heard the learned counsel appearing for the
applicants in both applications and the learned A.P.P.
We have also heard the respective informants, who have
been identified by their respective learned Advocates.
They have lodged reports against each other, on the
basis of which Crime Nos. 164/2016 and 165/2016 have
been registered against the respective respondents. In
Crime No. 164/2016, the offences alleged are under

Sections 354A, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code (for short, "I.P.C."), while in Crime No. 165/2016, the offences alleged are under Sections 392, 452, 354C, 504 and 506 read with Section 34 of the I.P.C.

2. The informant in Crime No. 165/2016 namely Rekha Jitendra Gaikwad has filed an affidavit stating therein that at the time of the incident, her gold mangalsutra had dropped at the spot of the incident and it was subsequently found by her husband. As such, the ingredients of the offence under section 392 of the I.P.C. are not prima facie disclosed on her sworn statement. The rival parties have amicably settled their disputes since they are relatives of each other and they wish to maintain peace and harmony. They have decided to drop the allegations levelled by them against each other.

3. The terms of settlement are now read over and explained to them. They admit the same voluntarily. The terms of settlement are valid. In the circumstances, there is no point in keeping these

matters pending any more. Even if they are kept alive, considering the amicable settlement between the parties, they would not support the allegations made by them against their rivals during the trial. As such, it would be a futile exercise to continue with the trial. In the circumstances, we accept the amicable settlement between the parties and pass the following order:-

O R D E R

- (i) Both the criminal applications are allowed.
- (ii) The FIR Nos. 164/2016 and 165/2016, registered with Partur Police Station are quashed and set aside.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

npj/criapln4392-4387-2016