

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

CRIMINAL APPLICATION NO. 5457 OF 2016

Ajay S/o Ashok Joshi
Age : 43 years, Occ : Business,
R/o Flat No.6, Varad Vinayak,
Sankul, N-8, CIDCO, Aurangabad.

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. Lahukumar S/o Kaduba Jadhav
Age : 29 years, Occ : Business,
R/o Walsa Khalsa, Tq. Bhokardan,
Dist. Jalna.

..RESPONDENTS

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Mr.N.S. Ghanekar, advocate for the applicant.
Mr.S.W. Mundhe, APP for Respondent/State
Mr.N.R. Thorat, advocate for Respondent No.2.

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**CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: October 18, 2016**

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PER COURT :-

Heard the learned counsel appearing for the applicant, the learned A.P.P. appearing for the Respondent No.1/State and the learned counsel appearing for Respondent No.2.

2. The applicant and Respondent No.2 have filed the settlement deed. It is stated

in the said settlement deed that the applicant is giving Demand Draft of Rs. 5 Lakhs to Respondent No.2. It is stated that the dispute is of civil nature and the F.I.R. was lodged out of misunderstanding. With the intervention of the elderly persons, the applicant and Respondent No.2 have decided to set at rest the controversy.

3. The applicant and Respondent No.2 are present in the Court. They are identified by their respective Advocates. They stated that the settlement deed is outcome of their voluntary act. There was no coercion or pressure. Keeping in view the judgments of the Supreme Court in the cases of **State of Haryana V/s Bhajanlal¹** and **Gian Singh Vs. State of Punjab and another²**, the continuation of further investigation on the basis of Crime No.0497 of 2016 registered with Mukundwadi Police Station for the offences punishable under Sections 420, 406, 323, 506 of the Indian Penal Code will be abuse of process of law and will be an exercise in futility.

4. In that view of the matter, the

1 AIR 1992 SC 604

2 2012(4) Bom.C.R. (Cri) 428

application is allowed in terms of prayer clause `B' and the same stands disposed of in above terms.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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