

1. This application filed in 2014 is taken up for final hearing today. There is a checkered history to this application. Respondent No.1 filed a complaint directly to the Court of learned Chief Judicial Magistrate, Aurangabad, against the applicants alleging that they had committed offence punishable under sections 323, 506 read with 34 of the Indian Penal Code which occurred at work place of respondent No.1 at Aurangabad. Both the parties are related to each other. Applicant No.1 is uncle of respondent No.1. The complaint was lodged in 2009 and process was also issued. During the pendency of the complaint at one point of time i.e. on 16.07.2010, the learned Magistrate, to whom this case was assigned, came to a conclusion that the case should come to an end. The complaint came to be dismissed for want of prosecution because respondent No.1 was found absent. Thereafter, respondent No.1 on 28.08.2010 moved an application pointing out that the dismissal order passed by

the learned Magistrate was wrong because he was present in the Court on that day and his application for adjournment was also granted. In view of this disclosure, the learned Magistrate allowed the application and restored the complaint. Against this order of restoration, present application is moved.

2. As said above, this application is pending since last more than two years. I am inclined to utilize my power under section 482 of Cr.P.C., to put an end to this litigation finally. In my view, the complaint should be dismissed for want of prosecution and also because there is strong possibility of compromise between the parties. If this complaint is dismissed, it would certainly promote peace and harmony between the parties. They would also try to settle other cases which are pending elsewhere.

3. Hence, the criminal application is allowed. The impugned criminal complaint is dismissed utilizing power under section 482 of Cr.P.C.

**[A.V.NIRGUDE, J.]**