

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1509 OF 2016

Dyaneshwar Waman Ladkat and ors.

.. Petitioners

Vs.

State of Maharashtra and anr.

.. Respondents

Mr. R. S. Kadam for petitioners.

Mrs. Sangeeta D. Shinde, APP for State.

Mr. R. S. Pachundkar for respondent no.2.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

JULY 12, 2016

P.C.

1. Rule. Rule made returnable forthwith. Heard by consent of parties.

2. On a complaint filed by respondent no.2 – Smt. Sulochana Rajendra Bansode in the Court of Judicial Magistrate, First Class, Cantonment Court, Pune, the learned Magistrate passed following order on 20/2/2016 in R.C.C. No. 122 of 2016:-

“ **ORDER BELOW EXH.1**

The complainant alleges commission of cognizable offence by this complaint. The complainant has filed affidavit in support of his complaint. The complaint discloses commission of cognizable offence by the accused. In the circumstances thorough investigation is necessary. Hence, it will be proper to direct the investigation of the said complaint. Hence, it will be legal and proper to send the complaint for investigation vide section 156(3) of the Code of Criminal Procedure. Hence, the order:-

ORDER

- 1) Copy of complaint and order be sent to the P.I. Of Hadapsar Police Station.
- 2) P.I. of Hadapsar Police Station to investigate into the complaint and file report as early as possible.”

2. The learned counsel appearing for the parties are not aware as to whether FIR was registered by the police consequent to the order passed by the learned JMFC. Learned Counsel appearing for the petitioners and respondent no.2 submit that respondent no.2 and some of the petitioners are closely related as brothers, sisters and brother's son. A Civil Suit i.e. Special Civil Suit No. 108 of 2016 was also filed by the complainant in

respect of the same subject matter. A compromise pursis was filed, which was accepted by the civil court. By an order dated 14/3/2016, the Civil Court disposed of the suit based on the said compromise pursis. A decree was directed to be drawn accordingly in terms of the compromise.

3. Learned counsel for the parties submit that the subject complaint filed before the learned JMFC relates to the same subject matter of the aforesaid Spl. Civil Suit, which has been disposed of now. Learned counsel submit that the parties have mutually settled their dispute. Some of the petitioners are present in court and they are identified by their counsel. Complainant – Smt. Sulochana Rajendra Bansode is also present in the court and she is identified by her counsel. She has filed affidavit in this court stating therein that the matter is settled out of court between the parties and she has no objection to quash and set aside the proceeding i.e. R.C.C. No. 122 of 2016 pending before the learned JMFC, Cantonment Court, Pune and the order dated 20/2/2016 passed in the said criminal proceeding.

4. We have perused the record and considered the submissions. The grievance of the complainant was in respect of share in the property,

the preparation of bogus document and forging her signature. She had filed Spl. Civil Suit, which was compromised between the parties. She does not have any grievance now in respect of the subject complaint. It seems that for maintaining cordial relations, the parties are praying before this court to exercise power and to allow the parties to settle the matter and get the criminal proceeding quashed. We are inclined to allow the parties to get the criminal proceeding quashed.

5. The criminal proceeding bearing R.C.C. No. 122 of 2016 pending before the Judicial Magistrate, First Class, Cantonment Court, Pune and the order dated 20/2/2016 passed in the said criminal proceeding, are hereby quashed and set aside.

6. Rule is made absolute in the above terms.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL,J.)