

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Writ Petition No. 100 of 2016
[Nikhil Rajendra Tayal & another Vs. State of Mah., & two others]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. Shyam Dewani, Adv., for the petitioners.
 Mr. T.A. Mirza, APP for respondent nos. 1,2 and 3.
 Mr. A.M. Deo, Adv., & Mr. Atul Pande, Adv., for respondent no.4 -
 Intervener.

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**CORAM : B. R. GAVAI AND
MRS. SWAPNA S. JOSHI, jj.**

DATE : 04th May, 2016

Heard learned counsel appearing for the parties.

The dispute is between the family members, namely petitioner nos. 1 and 2 on one hand, and the intervener on the other hand. Vide Order dated 13th April, 2016, we had referred the dispute to the Mediator. The parties had also agreed on the name of Mr. Dipen Agrawal, Ex-President, Nag Vidarbha Chamber of Commerce, to act as a Mediator.

The mediation has been successful. The learned Mediator has placed on record the report, duly signed by

him as well as the parties.

The Consent Terms, duly signed by the parties, so also the respective counsels, are placed on record. The same are marked 'X' for identification.

There are series of cases pending between the parties. It appears that all those cases were filed by the parties against each other on account of misunderstanding. It now appears that the differences between the family members have been sorted out and the family members have decided to bury the disputes between them and lead a peaceful life in harmony with each other.

We appreciate the efforts taken by the learned Mediator for bringing out peace in the family.

The Consent Terms are taken on record. The respective Undertakings in the Consent Terms are treated as a Undertaking given to this Court, and it is accepted.

Though various cases are not the subject-matter of the present Writ Petition since this Court is exercising powers under Article 226 of the Constitution of India, we find that since the parties have agreed to settle all the disputes, it would be in the interest of justice to give an end to all the disputes/cases pending amongst them.

The following First Information Reports [FIRs] as well as criminal proceedings shall stand quashed and set aside:-

- [1] FIR dated 12th January, 2016 lodged by Mrs. Sushila Tayal in Crime No. M1/2016 at Lakadganj Police Station.
- [2] FIR lodged by Mrs. Sushila Tayal dated 4th January, 2016 in Crime No. 4/2016 at Tahsil Police Station.
- [3] NC Report lodged by Mrs. Sushila Tayal dated 23rd September, 2015 in Crime No. 523/2015 at Sitabuldi Police Station. [Parties have consented not to further pursue the NC complaints].
- [4] Regular Criminal Case No. 1659 of 2016 pending before Tenth Joint Civil Judge [Junior Division] & Judicial Magistrate First Class, Nagpur.
- [5] Misc. Criminal Application No. 973 of 2016 pending before Tenth Joint Civil Judge [Junior Division] & Judicial Magistrate First Class, Nagpur.
- [6] Misc. Criminal Application No. 1041/2016 pending before Tenth Joint Civil Judge [Junior

Division] & Judicial Magistrate First Class,
Nagpur.

- [7] FIR lodged against Mr. Rajesh Gawande and Mrs. Vidya Gawande in Crime No. 48/2016 at Tahsil Police Station by Mrs. Sushila Tayal.
- [8] FIR registered by Mrs. Sushila Tayal at Hingna Police Station bearing Crime No. 451 of 2016.

The Application No. 29 of 2016 filed by the petitioners before the National Green Tribunal, Pune, shall stand disposed of as not pressed.

Special Civil Suit Nos. 89 and 161 both of 2016 shall stand disposed of as withdrawn. Since the parties are personally present before this Court and they have reiterated the settlement between them, the learned Trial Court shall draw decrees as prayed under Order-XXIII, Civil Procedure Code.

We also place on record our appreciation for the efforts taken by the respective counsel in persuading the respective parties in arriving at the settlement.

Judge

Judge