

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.138 OF 2017

Ravishankar s/o Anilkumar Saha,
Age-40 years, Occu:Service,
R/o-House No.G-1/288, Triveni Nagar,
N-7, CIDCO, Aurangabad.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Station CIDCO,
Aurangabad,
- 2) Shweta w/o Ravishankar Saha,
Age-38 years, Occu:Household,
R/o-House No.G-1/288, Triveni Nagar,
N-7, CIDCO, Aurangabad.

...RESPONDENTS

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None present for Applicant.
Mr.S.G. Karlekar, A.P.P. for Respondent No.1.
Shweta w/o Ravishankar Saha -Respondent No.2
present in person.

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CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.

DATE : 4TH APRIL, 2017

ORDER :

1. This Application under Section 482 of the

Code of Criminal Procedure is filed praying therein to quash and set aside the F.I.R. bearing Crime No.I-99 of 2016 registered with CIDCO Police Station, Aurangabad for the offence punishable under Sections 307, 498-A, 323, 504 of the Indian Penal Code dated 11th February 2016 and further proceeding bearing Sessions Case No. 146 of 2016 pending before the learned Sessions Court, Aurangabad.

2. Pursuant to the notices issued to the Respondents, Respondent No.2 filed the affidavit and thereafter affidavit on behalf of the Applicant was also filed. Relying upon the averments in the affidavit-in-reply filed on behalf of Respondent No.2, it was contended on behalf of the Applicant that in view of the compromise/ amicable settlement, the investigation/ further proceedings arising out of the First Information Report may be quashed.

3. On 31st January, 2017 this Court has

passed detail order. Reference is also made to the reply filed by Respondent No.2 and further affidavit filed by the Applicant. On that day, Applicant and Respondent No.2 were present. Though in our order dated 31st January, 2017 we have observed that it is the voluntary act of the parties to enter into such compromise/ settlement, we had some doubts in our minds and therefore, in order to observe further conduct of the Applicant, we kept this Application pending with the hope and expectation that there may be further improvement and ultimately this Application may result into acceptance of settlement/ compromise and we can quash the First Information Report.

4. When the matter is called out today, Respondent No.2 is present in the Court. Though the Advocate is engaged by Respondent No.2, she orally submits that already she has given discharge to the said Advocate. Respondent No.2 has made serious allegations against the conduct of the Applicant. Once, she has stated to the

extent that, but for the intervention of the adjoining neighbourers she could survive from the assault by the Applicant. In that view of the matter, in our considered view, the First Information Report cannot be quashed on the basis of alleged amicable settlement/ compromise.

5. Even otherwise, keeping in view the allegations in the First Information Report, the prayer for quashing the First Information Report deserves no consideration.

6. For the reasons afore-stated, we are not inclined to entertain this Application. Accordingly the Criminal Application is rejected. Rule stands discharged.

7. Needless to observe that, ad-interim relief, which was in force during the pendency of the Application, stands vacated.

8. So far as the other allegations/

contentions raised by Respondent No.2 against the conduct of Applicant are concerned, same would fall beyond the purview of this Application, and the same cannot be considered. However, the learned A.P.P., on instructions of the concerned Police Officer in whose jurisdiction Applicant and Respondent No.2 are residing, assures this Court that concerned in-charge Police Station Officer will look into the grievance of Respondent No.2 and will take further appropriate steps.

[K.K. SONAWANE, J.]

asb/APR17

[S.S. SHINDE, J.]