

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 689 OF 2017

1. Anita Vijay Ware.
Age 27 years, Occ. Household
R/o. Badnapur, District Jalna
2. Annasaheb Ramrao Ware
Age 60 years, Occ. Agriculture
R/o. Chikalthana, Aurangabad
3. Kamal Annasaheb Ware
Age 52 years, Occ. Household
R/o. Chikalthana, Aurangabad
4. Kavita Sunil Ware,
Age 27 years, Occ. Household,
R/o. Chikalthana, Aurangabad
5. Nanda Raju Ware,
Age 24 years, Occ. Household,
R/o. Chikalthana, Aurangabad
6. Sunil Annasaheb Ware
Age 32 years, Occ. Agriculture
R/o. Chikalthana, Aurangabad
7. Raju Annasaheb Ware,
Age 29 years, Occ. Agriculture
R/o. Chikalthana, Aurangabad

...Applicants

versus

The State of Maharashtra
(Copy to be served on
the Public Prosecutor
High Court at Aurangabad)

...Respondent

...
Advocate for Applicants : Mr. Vishal A Bagdiya
APP for Respondents: Mrs. P.V. Diggikar
.....

**CORAM : S.S. SHINDE AND
V. K. JADHAV, JJ.**

DATED : 9th MARCH, 2017

ORAL JUDGMENT (PER S.S. SHINDE, J.)

1. Rule. Rule returnable forthwith. By consent of parties, heard finally at admission stage.

2. This application is filed jointly by the applicant/original informant and the accused, with a prayer to quash the F.I.R. No. 0423 of 2016, registered with M.I.D.C. CIDCO Police station for the offences punishable under Sections 307, 323, 504, 506 r.w. 34 of I.P.C. on the basis of terms of settlement arrived at between them. The applicant No.1 has placed on record the affidavit of terms of settlement duly signed by her and verified before the Registrar (Judicial) of this Court. Similarly, the other applicants have also filed affidavits of terms of settlement. The parties appeared before Registrar (Judicial) of this Court. The parties were identified by their respective advocates. The Registrar (Judicial) has verified the terms of settlement and also explained those terms of settlement in verbatim to the parties concerned. In the terms of settlement filed by applicant No.1 i.e. original informant, she states that it is her voluntary act of entering into terms of settlement and same is without any coercion. In view of this, no fruitful purpose would be served in continuing with the F.I.R. and the proceedings, since applicant No.1 original informant is not going to

support the allegations made in the F.I.R.

3. Upon perusal of the investigation papers, we have noticed that in the said incident, applicant No.1 has sustained simple injuries.

4. Since the parties have decided to set at rest the dispute and that the terms of settlement have been filed on record, in view of exposition by the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, reported in 2012 (4) Bom.C.R. (Cri.) 428***, in order to prevent the abuse of process of law/Court, the F.I.R. is quashed. The criminal application is allowed in terms of prayer clause "B".

5. Rule made absolute in the above terms. Criminal application stands disposed of accordingly.

(V. K. JADHAV, J.)

(S. S. SHINDE, J.)

rlj/