

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CRIMINAL APPLICATION NO. 819 OF 2017

1. Ikram S/o Ayyub Chaudhari,
Age : 43 Years, Occ. Labour
2. Masuman W/o Ayyub Chaudhari,
Age : 71 Years, Occ. Household
3. Imran S/o Ayyub Chaudhari,
Age : 45 Years, Occ. Labour
4. Farman S/o Ayyub Chaudhari,
Age : 40 Years, Occ. Labour
5. Afsana D/o Ayyub Chaudhari,
Age : 43 Years, Occ. Household
6. Nazma D/o Ayyub Chaudhari,
Age : 26 Years, Occ. Household
7. Shabana D/o Ayyub Chaudhari,
Age : 21 Years, Occ. Household
8. Rizwana Chaudhari,
Age : 44 Years, Occ. Household,

All R/O. Loda Road, Om Sai Building,
B Wing, House No. 206, 3rd Floor,
Mira Road, Thane, Mumbai.

VERSES

1. The State of Maharashtra,
Through, The Police Sub Inspector,
Chalisgaon Police Station,
Tq. Chalisgaon, Dist. Jalgaon.
2. Parvin Bano W/o Ikram Chaudhari,
Age : 31 Years, Occ. Household,
R/o. Loda Road, Said Sidhi Building,
B Wing, 3rd Floor, Mira Road, Mumbai
And
R/o. Pir Musa Kadir Nagar, Chalisgaon,
Ta. Chalisgaon, Dist. Jalgaon.

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Advocate for Applicants :Mr. Ujwal Subhash Patil
APP for Respondents: Mr. S. Y. Mahajan
Advocate for Respondent No.2: Mr. Prakash P. Sapkal

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**CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.**

DATE : 23RD FEBRUARY, 2017.

JUDGMENT : [PER S.S. SHINDE,J] :-

Heard. With the consent of parties immediately taken up for final hearing.

2] Learned counsel for the applicants and respondent No.2 jointly submits that since the respondent No.2 and applicants have settled the dispute and to that effect affidavit is filed by the respondent No.2 stating there that since she is residing with applicant No.1 since last 4 years, she has no grievance left against the applicants and the FIR may be quashed. The affidavit containing terms of settlement filed by the parties is taken on record and marked "X" for the purpose of identification.

3] It is further submitted that in order to secure the ends of justice and to prevent abuse of process of the Court, this Court may entertain this petition and accede to the prayer of the applicants to quash the FIR, on the basis of settlement arrived between the parties.

4] On the other hand, learned APP for the State submits that this Court may pass appropriate orders.

5] We have heard the learned counsel for the applicants, learned APP for respondent No.1 and learned counsel for respondent No.2. We have carefully perused the averments in the application and the affidavit in reply

tendered across bar by the counsel for respondent No.2 and we have also interacted with the applicant No.1 and respondent No.2. Respondent No.2 stated before us that it is her voluntary act to file the affidavit in view of the fact that she is residing happily with the applicant No.1 since last 4 years.

6] In that view of the matter, keeping in view the exposition of law by the Honourable Apex Court in the case of ***Gian Singh vs. State of Punjab & another reported in (2012)10 SCC 303***, in order to secure the ends of justice and to prevent the abuse of process of the court, we are inclined to allow this application.

7] Accordingly, the Proceeding of RCC No. 64 of 2014, pending before the JMFC, Chalisgaon, Taluka Chalisgaon, Dist. Jalgaon, arising out of crime No.388 of 2012, pending under Sections 498-A, 406, 323, 504, 506 r/w. 34 of IPC, stands quashed and set aside. Criminal application stands allowed to above extent and the same is disposed of.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-