

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1152 OF 2017

Mohan Kaduba Salve and ors. ...APPLICANTS

versus

The State of Maharashtra and anr. ...RESPONDENTS

.....

Mr. S.J. Salunke, Advocate for Applicants
Ms. P.V. Diggikar, APP for Respondent No. 1 State
Mr. V.C. Patil Ashtekar & Mr. B.R. Jagtap, Advocate for Respondent No. 2

...

WITH

CRIMINAL APPLICATION NO. 1190 OF 2017

Sachin Mohan Salve and anr. ...APPLICANTS

versus

The State of Maharashtra ...RESPONDENTS

.....

Mr. S.J. Salunke, Advocate for Applicants
Ms. P.V. Diggikar, APP for Respondent -State

...

WITH

CRIMINAL APPLICATION NO. 1451 OF 2017

Yogesh Rajendra Deore .. APPLICANTS.

Versus

Sachin Mohan Salve and others. .. RESPONDENTS.

...

Mr. V.C .Patil (Ashtekar) Advocate for applicant,
Mr. S.J. Salunke, Advocate for respondent Nos. 1 and 2
Ms. P.V. Diggikar, APP for respondent - State.

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

DATED : 3rd May, 2017.

PER COURT :-

1. Heard.
2. This Court on 11.4.2017, passed the following order :-

“Heard. Respondent No. 2 - first informant has filed affidavit in-reply in regard to compromising the dispute on record.

2. The learned counsel for the applicants submits that first informant and applicants settled the dispute amicably. The property in dispute has already been given in possession of the first informant. Now, he has no any grievance against the applicants, therefore, he prayed to quash and set aside the impugned First Information Report (for short “FIR”) filed against the applicants.

3. The learned counsel appearing for respondent No.2 has also given no objection for quashing the impugned FIR following amicable settlement to the dispute.

4. We have interacted with first informant - Mr. Yogesh Deore. He submitted that the property which was fraudulently transferred by the applicants in their own name has given in his possession and he has no grievance against the applicants. He has settled the dispute amicably with applicants. We find that compromise of the dispute by first informant is his voluntary act.

5. However, during the course of interaction with applicants we find that the applicants did not get cancelled or revoked earlier document of sale of the contentious property. They delivered the possession of the property in dispute in favour of the complainant by executing another document. Admittedly, there are two documents of sale pertains to the contentious property delivered in favour of first informant in existence and it would create anomalous situation and there may be possibility of dispute in future. Therefore, we are not inclined to accept the compromise at this juncture to quash and set aside the impugned FIR.

6. However, the learned counsel appearing for the applicants contends that applicants would get earlier document cancelled/ revoked which are executed on the stamp paper of Rs.100/- bearing No EE449227 dated 06-07-2011 and stamp paper of Rs.500/- having No. A048324 and cancellation deeds same would be produced before this Court on the next date. Therefore, he seeks time for compliance of

the same.

7. In view of the subject-matter and in the interest of justice, stand over to 24th April, 2017”.

3. In order to comply with the aforesaid order, the applicants have tendered across bar affidavits, stating therein that the earlier documents executed on stamp papers have been cancelled and revoked by a registered deed to that effect. Therefore, the learned counsel for applicants submits that since the applicants have complied with the order dated 11th April, 2017 passed by this Court, the impugned FIRs may be quashed and set aside on the basis of amicable settlement arrived at between the parties.

4. In view of the guidelines delineated by the Apex Court in the matter of ***Gian Singh Vs. State of Punjab and another reported in 2012(4) Bom.C.R.(Cri) 428***, we do not find any impediment to accept the compromise in between the parties in the interest of justice. Consequently, the impugned FIR is quashed and set aside on the basis of compromise arrived at between the parties.

5. Criminal application No. 1152 of 2017 stands allowed in terms of prayer clause (C) and (D) and disposed of. In view of disposal of Criminal application No. 1152 of 2017, Criminal application No. 1190 of 2017 (for bail) and Criminal application No. 1451 of 2017 (for intervention) stand disposed of.

[K. K. SONAWANE, J.]

[S.S. SHINDE, J.]

grt/-