

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

CRIMINAL APPLICATION NO. 1526 OF 2017

1. Punamchand Ramnarayan Rathi,
Age: 71 years, Occu. Business,
R/o 15, Noormal Lohiya Lane,
Kolkata (West Bengal)
2. Bhawarsinh Mulsinh Rathod,
Age: 50 years, Occu. Business,
R/o : 15, Noormal Lohiya Lane,
Kolkata (West Bengal)
3. Nandkishore s/o Nanuram Jhanwar,
Age: 60 years, occu. Business,
R/o : 15, Noormal Lohiya Lane,
Kolkata, (West Bengal)

...APPLICANTS
[Ori. Accused]

versus

1. The State of Maharashtra,
Through Police Station Officer,
Kranti Chowk Police Station,
Aurangabad, District- Aurangabad.
2. Deelip S/o Nanakaram Paraswani,
Age: 45 yrs. Occ.: Business, ,
R/o: Suraksh Sarees,
Paithan Gate, Aurangabad
Distr. Aurangabad.

...RESPONDENTS
[No. 2 Ori. Complainant]

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Mr. Swapnil Rathi, Advocate for applicants
Mr. K.D. Munde, APP for Respondent state
Mr. S.J. Jain, Advocate for respondent No. 2

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

DATED : 28th APRIL, 2017.

ORAL JUDGMENT :- [Per: S.S. SHINDE, J.]

1. Rule. Rule made returnable forthwith. Heard finally, with consent of the parties.

2. The learned counsel appearing for respondent No. 2 – original complainant invites our attention to the paragraph No. 5 of the affidavit in-reply filed on behalf of respondent No. 2 and submits that applicants No. 1 to 3 and respondent No. 2 have decided to amicably settle all the matters pending before the Courts and Tribunal at Kolkata and at Aurangabad out of the Court. They have decided to support to each other for disposing of all the matters. Therefore, he has no objection for quashing the first information report bearing crime No. 0098 of 2017 registered with Kranti Chowk Police Station, Aurangabad for the offences punishable under sections 420, 409, 467, 468, 471, 474, 120-B read with section 34 of the Indian Penal Code.

3. Today, respondent No. 2 is present in the Court hall. He is identified by the learned counsel appearing on his behalf. On interaction with him, he stated that he has filed affidavit in-reply and averments in the said affidavit in-reply is his voluntary act. The parties have entered into compromise amicably and without any coercion. He has no objection to quash and set aside the impugned FIR.

4. The learned counsel appearing for respondent No. 2, on instructions, undertakes that respondent No. 2 is ready to deposit Rs.10,000/- (Rupees Ten Thousand) towards costs in the Registry of this Court on or before 4th May, 2017.

5. Upon careful perusal of the averments in the petition, affidavit in-reply filed by respondent No. 2 – original complainant and also considering the submissions of both sides and keeping in view the exposition of law in the case of **Gian Singh Vs State of Punjab and another** reported in **(2012) 10 SCC 303**, continuation of further proceedings would be abuse of process of law. In that view of the matter, we deem it appropriate to allow the application. Accordingly, we allow the application in terms of prayer clause "C". Hence, we pass the following order:

(i) The application is allowed in terms of prayer clause "C" subject to deposit of Rs.10,000/- (Rupees Ten Thousand) by respondent No. 2 on or before 4th May, 2017 in the Registry.

(ii) After depositing the amount of Rs. 10,000/- (Rupees Ten Thousand), the same shall be given to the Government Child Care / Shelter Home, Government of Maharashtra, Paithan, Tahsil Paithan, District Aurangabad to utilize the same for welfare of

inmates of the Shelter Home.

(iii) This order will take effect after depositing the amount of costs.

6. The application is allowed in above terms. Rule is made absolute accordingly.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK