

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

CRIMINAL APPLICATION NO. 1927 OF 2017

1. Balasaheb Mahadev Shirsath
Age : Major, Occu. Defence Service
2. Ashok Mahadev Shirsath
Age : 39 years, Occu. Agril.
3. Ashok Ramkisan Shirsath
Age : Major, Occu. Agril.
4. Walmik Ramkisan Shirsath
Age : Major, Occu. Agril.
All R/o Takali Manoor, Tq. Pathardi
Dist. Ahmednagar

...APPLICANTS

versus

1. The State of Maharashtra
Through the Police Inspector,
PATHARDI Police Station,
Dist. Ahmednagar.
2. Bappasaheb Uttamrao Shirsath
Age : 60 years, Occu. Agri.,
Takali Manoor, Tq. Pathardi
Dist. Ahmednagar.

...RESPONDENTS

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Mr. A.N. Sikchi , Advocate for applicants
Mr. K.D. Munde, APP for Respondent No. 1- State
Mr. K.G. Bhosale, Advocate for respondent No. 2

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

DATED : 3rd MAY, 2017.

JUDGMENT : (Per: S.S. Shinde, J.)

1. Rule. Rule made returnable forthwith. Heard finally, with consent of the learned counsel appearing for the parties.

2. Pursuant to notice issued to the respondents, compromise *pursis* on behalf of applicants and respondent No. 2 is tendered by the learned Counsel appearing for the parties. The same is taken on record. The applicants and respondent No. 2 are present in the Court hall. They are identified by their respective counsel. The applicants and respondent No. 2 have admitted their signatures and contents of the compromise *pursis*. It is stated in the said compromise *pursis* that applicants and respondent No. 2 arrived at amicable settlement and they jointly pray for quashing the impugned FIR bearing crime No. 182 of 2017 registered with Pathardi Police Station, District Ahmednagar for the offence punishable under sections 452, 323, 504 and 506 read with section 34 of the IPC.

3. We have interacted with applicants and respondent No. 2. On interaction, respondent No. 2 stated that he is uncle of applicants and it is his voluntary act to become a party to the compromise *pursis* without any coercion or pressure. The applicants and respondent No. 2 have amicably settled the dispute. We have interacted with applicants, they assure this Court that henceforth they will not indulge in alleged activities. Since respondent No. 2 in view of compromise *pursis* is not going to support first informant report, continuation of investigation – proceedings on the basis of crime No.182 of 2017 registered with

Pathardi Police Station, District Ahmednagar for the offence punishable under sections 452, 323, 504 and 506 read with section 34 of the IPC would be abuse of process of law and no fruitful purpose would be served. Since respondent No. 2 is not going to support the allegations, there is bleak chances of conviction of applicants.

4. Considering the compromise *pursis* between the parties and keeping in view the exposition of law of the Supreme Court in the case of ***Narinder Singh & others Vs. State of Punjab & another¹*** and in the case of ***Gian Singh Vs State of Punjab and another²***, further continuation of investigation - proceedings based upon crime would be abuse of process of law and wastage of time of the prosecution agency and the Court. In that view of the matter, we are inclined to allow this application. Accordingly, application is allowed in terms of prayer clause "C". The impugned FIR stands quashed and set aside. Rule is made absolute accordingly.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK

1. (2014) 6 SCC 466

2 (2012)10 SCC 303