

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

CRIMINAL APPLICATION NO. 1934 OF 2017

Jagdish Suresh Shirsath
Age : 33 years, Occu. Agril.
R/o Takali Manoor, Tq. Pathardi
Dist. Ahmednagar.

...APPLICANT

versus

1. The State of Maharashtra
Through the Police Inspector,
PATHARDI Police Station,
Dist. Ahmednagar.
2. Ashok Mahadeo Shirsath
Age : 39 years, Occu. Agri.,
Takali Manoor, Tq. Pathardi
Dist. Ahmednagar.

...RESPONDENTS

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Mr. A.K. Bhosale , Advocate for applicant
Mr. K.D. Munde, APP for Respondent state
Mr. A.N. Sikchi, 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 applicant and respondent No. 2 is placed on

record, the applicant and respondent No. 2 are present in the Court hall. They are identified by their respective counsel. The applicant and respondent No. 2 have admitted their signatures and contents of compromise *pursis*.

3. We have interacted with applicant and respondent No. 2. Respondent No. 2 stated that it is his voluntary act to become a party the compromise *pursis* without any coercion or pressure. The applicant and respondent No. 2 have amicably settled the dispute. We have also interacted with applicant, he assures this Court that henceforth he will not indulged 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. 180 of 2017 registered with Pathardi Police Station, District Ahmednagar for the offence punishable under sections 324, 323, 504 and 506 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 in the FIR, there is bleak chances of conviction of the applicant.

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 &***

***another*¹** and in the case of ***Gian Singh Vs State of Punjab and another*²**, 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