

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 2042 OF 2017**

DEVASHISH PODDAR S/O RANJAN KUMAR PODDAR AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

...
Advocate for Applicants: Mr. Swapnil S. Patunkar
APP for Respondent/State : Mrs. P.V. Diggikar

...
CORAM : S.S. SHINDE & K.K. SONAWANE, JJ.
Dated: May 05, 2017
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PER COURT :-

At the outset, the learned counsel appearing for the applicants and respondent no.2, on instructions, makes gracious submission that, the applicants are ready to deposit Rs. 50,000/- and respondent no.2 is also ready to deposit Rs. 50,000/- within two weeks from today.

2. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

3. Pursuant to the notices issued to the respondents, the terms of joint

compromise pursis/affidavit is filed by applicant no.3 on behalf of all the applicants and respondent no.2.

4. It is stated in the said terms of joint compromise pursis that, the applicants in view of execution of the settlement deed are ready and willing to pay to the applicants the Demand Draft of Rs.15,00,000/- (Rs.Fifteen Lacs) dated 28th March, 2017 bearing No.572549 drawn in the name of Punjab National Bank and remaining amount of Rs.67,42,986/- will be paid to the complainant as per the terms and conditions mentioned in the settlement deed. There are other terms stated in the said compromise pursis. Since the said terms of joint compromise pursis/affidavit are already part of record of this application, we need not reiterate other terms of the said compromise.

5. We have interacted with the informant i.e. respondent no.2 and he stated that, it is his voluntary act to enter into such compromise and he has no objection to quash the first information report. Therefore, keeping in view the exposition of law by the Apex Court in the case of **Gian**

Singh V/s. State of Punjab and another¹, in order to prevent the abuse of process of law, we are inclined to accept said terms of joint compromise pursis/affidavit and dispose of this application on the basis of the terms of joint compromise pursis/affidavit, subject to deposit of Rs.50,000/- by the applicants and Rs. 50,000/- by respondent no.2, in the Registry of this Court within two weeks from today by Demand Draft in the name of High Court Legal Services Sub-Committee, Aurangabad.

6. In the light of discussion herebaove, the application is allowed in terms of prayer clause 'C'. Rule made absolute accordingly. The application stands disposed of.

7. The parties shall act upon the authenticated copy of this order.

(K.K. SONAWANE, J.)

(S.S. SHINDE, J.)

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