

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 583 OF 2016

MR. K. DHANAKUMAR S/O T.A. KRISHNASAMY AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

Advocate for Petitioner : Mr. R.F. Totala
APP for Respondent : Mr. K.D. Munde
Advocate for Respondent No. 2 to 4 : Mr. Joydeep Chatterji
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CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE : 4th May, 2017.

PER COURT:

1] Heard learned counsel for the petitioners. Learned APP for the respondent No.1.

2] Learned counsel for petitioners and learned counsel for respondent Nos. 2 to 4 have filed a joint application. The averments in the joint application are verified by the authorized representative of the petitioner and authorized representative of respondent Nos. 2 to 4. It is stated in the joint application that the petitioners and respondent Nos. 2 to 4 herein, have settled the matter amicably before the Arbitrator at Chennai by filing a joint memo of compromise and accordingly, the learned Arbitrator has passed an award. It is jointly agreed by the parties that Criminal Misc. Application No. 88 of 2016 filed by respondent before the JMFC Shrirampur, and order dated 1.4.2016 passed in the said proceedings be quashed. So also, FIR No. 93 of 2016 registered at City Police Station, Shrirampur under Section 406, 418 and 420 read with Section 34 of IPC, may be quashed.

3] Since the petitioners and respondent nos. 2 to 4 have amicably settled the dispute before the learned Arbitrator and decided to set at rest the dispute/controversy and further the respondent Nos. 2 to 4 have no objection to allow this compromise and allow this petition in terms of prayer clauses (C) and (D), we are inclined to allow the writ petition.

4] In our opinion, no purpose will be served by further continuation of investigation in the crime and continuation of the proceedings based upon said crime numbers will be an exercise in futility, inasmuch, as the informant is not going to support the allegations in the complaint/FIR and ultimately, the chances of conviction of the petitioners will be bleak. Therefore, keeping in view the exposition of law in the case of **Gian Singh Vs State of Punjab and another** reported in **2012 AIR SCW 5333**, in order to prevent the abuse of process of law and to secure the ends of justice, we are inclined to allow this petition in terms of prayer clauses (C) and (D), subject to deposit of Rs.50,000/- by the petitioners and Rs. 50,000/- by respondent Nos. 2 to 4, within a period of 3 weeks from today in the Registry of this Court.

5] In the light of discussion hereinabove, writ petition petition is allowed in terms of prayer clauses (C) and (D) subject to deposit of amount by the parties as mentioned above. Same stands disposed of. Upon deposit of the amount of Rs. 50,000/- by the petitioners and Rs. 50,000/- by respondent Nos. 2 to 4, the amount be transmitted to the High Court Legal Services Authority, Sub-Committee, Aurangabad.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-