

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

**CRIMINAL WRIT PETITION NO. 601 OF 2016
WITH
CRIMINAL WRIT PETITION NO. 812 OF 2017**

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CRIMINAL WRIT PETITION NO. 601 OF 2016

1. Vijay s/o. Basweshwar Lamture .. Petitioners
Age. 25 years, Occ. Education
2. Vijayshree w/o. Chandrakant Bhusare
Age. 28 years, Occ. Household
3. Ashabai w/o. Mahaling Lamture
Age. 48 years, Occ. Household

All R/o. Yusuf Wadgaon, Tq. Kaij,
Dist. Beed.

Versus

1. The State of Maharashtra .. Respondents
Through Police Inspector
Police Station, Yousuf Wadgaon,
Tq. Kaij, Dist. Beed.
2. Mayuri w/o. Ranjeet Lamture
Age. 20 years, Occ. Household,
R/o. C/o. Rameshwar Shidhaling Sambre,
Near Old Police Station, Kaij,
Tq. Kaij, Dist. Beed.

**WITH
CRIMINAL WRIT PETITION NO. 812 OF 2017**

1. Ranjit Basweshwar Lamture .. Petitioners
Age. 30 years, Occ. Nil,
2. Basweshwar Ramling Lamture
Age. 60 years, Occ. Retired,
R/o. As above.
3. Kamal Basweshwar Lamture
Age. 55 years, Occ. Household,

All R/o. Yousufwadgaon, Tq. Kaij,
Dist. Beed.

Versus

1. The State of Maharashtra .. Respondents
Through Police Inspector
Yousuf Wadgaon Police Station,
Tq. Kaij, Dist. Beed.
2. Mayuri w/o. Ranjeet Lamture
Age. 20 years, Occ. Household,
R/o. Yusuf Wadgaon, Kaij,
Tq. Kaij, Dist. Beed.

Mr. H.P. Jadhav, Advocate for the petitioners.
Mr. M.M. Nerlikar, A.P.P. for respondent No.1/State.
Mr. S.B. Choudhari, Advocate for respondent No.2.

**CORAM : S.S.SHINDE &
S.M.GAVHANE, JJ.
DATED : 01.08.2017**

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

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

2. Pursuant to the notices issued to the respondents, respondent No.2 has caused appearance through Advocate Mr.S.B. Choudhari in both the writ petitions. The petitioners and respondent No.2 have filed a compromise pursis duly verified before the Section Officer of the Registry of this Court. The parties are identified by the learned Counsels appearing for them. The identity proof is also placed on record.

3. It is stated in the compromise pursis that the petitioners and respondent No.2 have settled the matter amicably on the terms and conditions stated in the said compromise pursis. The HMP No.39 of 2017 is filed before the Civil Judge, Senior Division, Ambajogai for divorce with mutual consent. As per the settlement arrived at between the parties the petitioner - Ranjit Basweshwar Lamture paid Rs.3,00,000/- (Rupees Three Lakhs) to respondent No.2 on 17.03.2017, in presence of two witnesses out of the Court and respondent No.2 has

received the said amount. There are other details stated in the compromise pursis. Since the said compromise pursis is a part of record of this Court, it is not necessary to reproduce other minute details stated in the said compromise pursis.

4. Learned Counsel appearing for respondent No.2 submits that the amount of Rs.3 lakhs which is given by the petitioner - Ranjit to respondent No.2 is deposited in the saving account of respondent No.2, namely, Mayuri in account No.1457104000053978, in IDBI Bank, Kaij. Though the amount is deposited in the saving account, during the course of hearing of present petition respondent No.2 and her father, who are present in the Court, have decided to keep the said amount in the fixed deposit. In the light of said statement of respondent No.2, we expect that said amount be deposited in the fixed deposit within two weeks from today, in the name of respondent No.2, initially for two years. If said amount is deposited in the fixed deposit, we make it clear that

respondent No.2 will be entitled to receive accrued interest on the said amount quarterly i.e. after every three months. We also make it clear that it will be open for respondent No.2 to renew the said fixed deposit.

5. Since the petitioners and respondent No.2 have amicably settled the dispute and on interaction with respondent No.2, she stated that it is her voluntary act without any coercion to agree for such settlement, we are of the view that no purpose will be served by further investigation in FIR No.24 of 2016 and continuation of the proceedings arising out of said FIR. Continuation of said proceedings would amount to abuse of process of law. The Supreme Court in the case of Gyansingh reported in Gian Singh v. State of Punjab, (2012) 10 SCC 303 has taken a view that if the parties have amicably settled the dispute voluntarily and if the offences are not punishable with death or life imprisonment or under the Special Act like the Prevention of Corruption Act etc. in that case in order to secure ends of justice and to

prevent abuse of process of law, the High Court while exercising jurisdiction under section 482 of Cr.P.C. can quash the FIR or the charge-sheet as the case may be. Keeping in view the exposition of law in the case of Gian Singh (Supra), we pass the following order :-

(i) Both the criminal writ petitions are allowed.

(ii) Rule made absolute in both the criminal writ petitions in terms of prayer clause (B).

(iii) The criminal writ petitions are allowed to above extent and same stand disposed of.

. Parties to act upon authenticated copy of this judgment.

[S.M. GAVHANE, J.]

[S.S. SHINDE, J.]