

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

CRIMINAL APPLICATION NO.2353 OF 2017

Bhimrao s/o.Uddhavrao Rathod,
Age 63 Years, Occu. Pensioner,
R/o. Varsha, N-4, D-29,
CIDCO, Aurangabad.

APPLICANT

VERSUS

1] Abhay s/o. Rajaram Rathod,
Age 50 Years, Occu. Legal Practitioner,
R/o. Plot No.403, N-3, CIDCO,
Aurangabad, Taluka & Dist. Aurangabad.

2] State of Maharashtra
Through Kranti Chowk Police Station,
Aurangabad, Taluka and
District Aurangabad.

RESPONDENTS

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Mr.Santosh S.Jadhavar, Advocate for the
applicant.

Mr.M.M.Nerlikar, APP for Respondent – State

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

Date: 25.07.2017

ORDER:

1] Heard the learned counsel appearing
for the applicant, respondent no.1 who is
party-in-person, and the learned APP
appearing for the respondent no.2—State.

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

3] The applicant is present in the Court. The applicant and respondent no.1 have filed joint affidavit. The same is taken on record, and treated as part of the proceedings of the present Application.

4] Upon careful perusal of the averments in the said joint affidavit, the applicant and respondent no.1 have settled their issues amicably, including the issue involved in Regular Criminal Case No.1531/2010 [State of Maharashtra Vs. Bhimrao s/o.Uddhavrao Rathod]. It is not necessary to reproduce the statements made in the joint affidavit. Suffice it to say that, the applicant and respondent no.1 have amicably settled their dispute in terms of averments in the joint affidavit.

Predominantly, the dispute is civil in nature, inasmuch as the same was in respect of raising claim of the membership by the applicant. The Supreme Court in the case of ***Gian Singh Vs.State of Punjab and another***¹ has held that the High Court while exercising the jurisdiction under Section 482 of the Criminal Procedure Code can quash the FIR/proceedings so as to secure ends of justice and to prevent further abuse of process of law/court. Since respondent no.1 in view of amicable settlement arrived at between himself and the applicant in terms of statements/averments made in the joint affidavit has decided not to press the proceedings in RCC No.1531/2010 [State of Maharashtra Vs. Bhimrao s/o.Uddhavrao Rathod], pending before the Chief Judicial Magistrate, Aurangabad, arising out of FIR vide M.Case No.13/2001 registered with Kranti

1. 2012 (10) SCC 303

Chowk Police Station, Aurangabad. In that view of the matter, we are inclined to allow this application.

5] The application is allowed in terms of prayer clause-B. Rule is made absolute. The application stands disposed of accordingly.

[S . M . GAVHANE]
JUDGE

[S . S . SHINDE]
JUDGE