

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

CRIMINAL APPLICATION NO.2356 OF 2017

Udhav s/o. Manik Kendre,
Age: 58 years, Occu: Business,
R/o.Plot No.K-108, MIDC, Waluj,
Aurangabad, Tal.& Dist.Aurangabad.

APPLICANT

VERSUS

1. The State of Maharashtra
2. Shrikant s/o. Madhavrao Nagargoje,
Age: 37 Years, Occu. Business,
R/o. House No.I-227, Balaji Nagar,
Aurangabad,
Tal. & Dist. Aurangabad. **RESPONDENTS**

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Mr.G.D.Kale, Advocate holding for
Mr.M.V.Nagargoje, Advocate for the applicants
Mr.S.S.Raut, APP for Respondent-State
Mr.V.B.Patil, Advocate for respondent no.2

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

Date: 18.07.2017

ORDER:

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

2] This Application under Section 482 of the Criminal Procedure Code is filed with the following prayer:

B] This Hon'ble Court may be pleased to quash and set aside FIR bearing Crime No.714/2016 registered at police station MIDC Waluj, Tal. Gangapur, Dist. Aurangabad for teh offence punishable u/s. 406, 420, 465, 467, 468 and 471 of Indian Penal Code registered against present applicant / accused and oblige.

3] Pursuant to the notices issued to the respondents, the applicant and respondent no.2 have placed on record the terms and conditions of the compromise duly verified before the Registrar [Judicial] of this Court. The parties are identified by the learned Advocates appearing for them. The terms and conditions of compromise is part of the compilation of the application.

4] The applicant and respondent no.2 are present before this Court. Respondent no.2 i.e. informant, stated that it is his voluntary act and with free will to enter into such compromise and agreed with the terms and conditions stated in the compromise deed. The applicant also stated that it is his voluntary act to enter into such terms and conditions, and the parties will abide by the said terms and conditions. It is not necessary to reproduce the said terms and conditions. Suffice it to say that since the applicant and respondent no.2 voluntarily and without any coercion have arrived at settlement, and to that effect the terms and conditions of the compromise are placed on record duly verified by the parties, and the dispute involved in the parties is predominantly civil in nature, keeping in view the exposition of law by the Supreme Court in the case of **Gian Singh Vs.State of**

Punjab and another¹, in order to secure ends of justice and to prevent further abuse of process of law, we are inclined to allow this application on the basis of the aforesaid settlement.

5] Accordingly, Application is allowed in terms of prayer clause-B. Rule is made absolute on above terms. The application stands disposed of.

[S . M . GAVHANE]
JUDGE

[S . S . SHINDE]
JUDGE

DDC

1. 2012 (10) SCC 303