

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

CRIMINAL APPLICATION NO. 3507 OF 2017

Raja s/o Wachrajsingh Thakur
Age 38 years, Occu. Service,
R/o Military Centre,
Ahmednagar, Dist. Ahmednagar

.. Applicant

Versus

1. The State of Maharashtra,
through the Police Station,
Newasa Police Station,
Newasa, Dist. Ahmednagar

2. Abasaheb s/o Bapurao Karale,
Age 28 years, Occu. Service,
R/o Georai, Taluka Newasa,
District Ahmednagar

.. Respondents

Mr Sk. M.A. Jahagirdar, Advocate for applicant
Mr S.D. Ghayal, A.P.P. for respondent no.1
Mr R.A. Tambe, Advocate for respondent no.2

- WITH -

CRIMINAL APPLICATION NO. 2760 OF 2017

Shishir Balkrishna Pataskar,
Age 38 years, Occu. Service,
R/o Krishna-Goopal Housing
Society, Bhingar Camp,
Ahmednagar,
District Ahmednagar

.. Applicant

Versus

1. The State of Maharashtra,
through the Police Station,
Newasa Police Station,
Newasa, Dist. Ahmednagar

2. Abasaheb s/o Bapurao Karale,
Age 28 years, Occu. Service,
R/o Georai, Taluka Newasa,
District Ahmednagar

.. Respondents

Mr C.K. Shinde, Advocate for applicant
Mr S.D. Ghayal, A.P.P. for respondent no.1
Mr R.A. Tambe, Advocate for respondent no.2

**CORAM : S.S. SHINDE AND
A.M. DHAVAL, JJ**

DATE : 10th August 2017

ORAL JUDGMENT (Per S.S. Shinde, J.)

1. Rule. Rule returnable forthwith. With the consent of parties, matters are taken up for final disposal at admission stage.

2. Pursuant to the notices issued to the respondents, respondent no.2 has filed the affidavit in Criminal Application No.3507 of 2017 on 12th July 2017 and on 18th July 2017 in Criminal Application No.2760 of 2017. It is stated in the said affidavits that the accused no.2 - Raja and accused no.3 - Shishir and the respondent no.2 informant have compromised the matter and settled the dispute amicably. Respondent no.2 does not want to prosecute the applicants. The applicants and respondent no.2 have undertaken that they will maintain cordial relations. The applicants and Respondent no.2 will not create any further litigation against each other. Both of them have withdrawn the allegations against each other and settled the matter amicably.

3. We have carefully considered the perused the allegations made in the F.I.R. The main allegation is against accused no.1 Rahul and the case against accused no.2 Raja and accused no.3 Shishir is very weak. In that view of the matter and since the respondent no.2 has filed the affidavit and prayed for quashing the F.I.R. on the basis of amicably settled, we feel that no fruitful purpose will be served by continuing the proceedings based upon Crime No.I-220/2017 registered with Newasa Police Station on 7th May 2017.

4. Therefore, keeping in view the exposition of law by the Supreme Court in **Gian singh Vs.State of Punjab** (2012) 10 SCC 303 in order to give ends of justice and to prevent abuse of process of the court, the applications deserve to be allowed.

5. Accordingly, Criminal Applications are allowed in terms of prayer clause (B) to the extent of present applicants only.

6. Rule made absolute on above terms. Both the applications stand allowed.

7. We observe that investigation can be proceeded against accused no.1 Rahul.

(A.M. DHAVAL, J.)

(S.S. SHINDE, J.)

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