

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2784 OF 2017

1 Dilip S/o Matsendrarao **APPLICANTS**
Kandharkar, Age 65 Years,
Occupation Retired, Resident of
Sansardeep 422, N-3, CIDCO,
Aurangabad

2 Ranjana W/o Dilip Kandharkar,
Age 60 Years, Occupation
Retired, Resident of as above

3 Sanket S/o Dilip Kandharkar, Age
31 Years, Occupation Service,
Resident of as above

At present — Capital One — 77
West Wacker, Drive — Chicago —
Illinois 60601, Age 63 Years,
Occupation Pensioner, Resident
of Audumber Colony, Lane No.2,
Papade Wasti, Phursungi, Pune

4 Jayant Baride, Aged 72 Years,
Occupation Doctor, Resident of
Osmanpura, Aurangabad

V E R S U S

1 The State of Maharashtra, **RESPONDENTS**
Through its Home Secretary, Home
Department, Mantralaya, Mumbai

2 The Police Inspector

3 Harshada W/o Sanket Kandharkar,
Age 30 Years, Occupation
Service, Resident of at Post
Vilas Nilengekar, House No.100,
Shastri Nagar, Aurangabad

*Ms. Anuja Kannadkar, Advocate for the
Applicants*

*Mr. M.M. Nerlikar, A.P.P. for Respondent
Nos.1 & 2*

Mr. R.G. Joshi, Advocate for Respondent No.3

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

DATE : 3RD AUGUST, 2017

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

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

2. The affidavit which is placed on record by the applicant Sanket S/o Dilip Kandharkar and respondent No.3 Harshada W/o Sanket Kandharkar is verified.

3. The applicant Sanket S/o Dilip Kandharkar and respondent No.3 Harshada W/o Sanket Kandharkar are present before this Court. It is stated in the affidavit that it is their voluntary act and without any coercion they agreed for the settlement in terms of averments made in the affidavit and respondent No.3 has no objection to quash the First Information Report. The said affidavit is filed on record, which is marked as '**Exh.X**' for the purpose of identification. The amicable settlement is taken place between applicant and respondent No.3, as mentioned above.

4. The Supreme Court in the case of **Gian Singh v. State of Punjab**, reported in (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.

5. In order to secure the ends of justice and to prevent the abuse of process of Law, we accept the amicable settlement arrived at between the parties. Hence, we pass the following order :-

O R D E R

- (i) Criminal Application is allowed.
- (ii) F.I.R. bearing No. 1154/2016, dated 5th November, 2016, under Section 498-A read with Section 34 of the Indian Penal Code, registered with Mukundwadi Police Station, Taluka and District Aurangabad is quashed and set aside.
- (iii) Rule is made absolute in above terms.

(iv) Criminal Application stands disposed of
accordingly.

(**S.M. GAVHANE, J.**)

(**S.S. SHINDE, J.**)

SRM/3/8/17