

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

CRIMINAL APPLICATION NO.2975 OF 2017

Harichandra s/o.Lala Brahmawat
Age-47 years, Occu.Agriculture,
R/o.Bembalyachi wadi,
Tq. & Dist. Aurangabad.

APPLICANT

VERSUS

1. The State of Maharashtra
[Through Police Inspector,
Chikalthana Police Station,
Chikalthana, Tq. & Dist.Aurangabad]

2. Bhikabai w/o.Ramchandra Brahmawat,
Age-47 years, Occu.-Household,
R/o.Bembalyachi Wadi,
Tq. & Dist. Aurangabad.

RESPONDENTS

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Mr.Deepak K.Rajput, Advocate for the applicant.
Mrs.P.V.Diggikar, APP for respondent-State.
Mr.A.T.Kanawade, Advocate for respondent no.2

...

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

DATE : 21.12.2017

ORDER :

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

2] This Application is filed with the following prayer:

B) The Charge Sheet No.66/2015 submitted on dt.16.06.2015 in the Crime No.75/2015 registered with Chikalhana Police Station, Chikalhana, Tq. & Dist. Aurangabad for the offence punishable U/S. 354 [A], 504, & 506 of I.P.C. on 04.04.2015 may please be quashed and set aside in the interest of justice and to prevent abuse of process of law.

3] Heard learned counsel appearing for the applicant, learned APP appearing for the respondent-State, and learned counsel appearing for respondent no.2. The applicant and respondent no.2 have filed compromise deed, and the said compromise deed is signed by the applicant and respondent no.2.

4] Upon careful perusal of the contents of the said compromise deed, the applicant and respondent no.2 have decided to have cordial relations in future. Due to the intervention of

the relatives, they have decided to settle the dispute amicably.

5] Respondent no.2 is present in the Court. On specific query to her, she stated that, it is her voluntary act and without any coercion to enter into the settlement.

6] In that view of the matter, keeping in view the exposition of law in the case of **Gian Singh Vs. State of Punjab & another**¹ so as to secure ends of justice and prevent abuse of process of law/court. It is desirable to invoke jurisdiction under Section 482 of the Criminal Procedure Code, and to quash the proceedings.

7] Since respondent no.2 has voluntarily and with free will decided to settle the dispute amicably; she is not going to support the allegations in the First Information Report and the prosecution case. Therefore, the chances of conviction would be bleak.

¹ 2012 AIR SCW 5333

8] In that view of the matter, the application is allowed in terms of prayer clause 'B'. Rule is made absolute on above terms. The Criminal Application stands disposed of accordingly.

[A.M.DHAVALA]
JUDGE

[S.S.SHINDE]
JUDGE

DDC