

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 3401 OF 2017**

SAINATH SHAHARAM GAVAHANE AND ANR.

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

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Advocate for applicant: Mr. S.S. Gangakhedkar

APP for respondent/State : Mr.S.D. Ghayal

Advocate for respondent no.2: Mr. Vivek Kabade

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CORAM: S.S.SHINDE & A.M. DHAVAL, JJ.**Dated: August 07, 2017**

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ORAL ORDER:-

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

2. This application is filed with the following prayer :-

"B. By allowing this application and the criminal proceeding bearing C.R. No.153/2014 is pending against applicants no.1 and 2 in the Court of Judicial Magistrate (F.C.) Court, Ashti arising out of First Information Report bearing Crime No. 153/2014 dated 16/12/2014 registered against them by Non-applicant no.1 Ambhora Police Station, Ashti at the

behest of complainant i.e. Nonapplicant no.2 for the offences punishable under Section 341, 384, 504, 506 r/w 34 of IPC may kindly be quashed in the interest of justice (EXHIBIT-A)."

3. The learned counsel appearing for the parties have tendered across the Bar copies of the affidavits, the same are taken on record.

4. Pursuant to the notices issued to the respondents, applicants - Sainath Shaharam Gavahane and Housrao Vishnu Gavhane have filed joint affidavit and Shrikant Chandrabhan Vairalkar, the Asset Manager with respondent no.2, Prakash Mahadeo Surve, General Manager of respondent no.2 have filed the separate affidavits.

5. In the said affidavits, it is stated that, applicant and respondent no.2 have amicably settled the dispute and to that effect the copy of the agreement dated 31st May, 2017 is placed on record. Since parties have mutually settled the dispute, it is prayed that, First Information Report bearing C.R. No.153 of 2014 may be quashed.

6. One Sudhirranjan S/o Ramkuber Mishra has also filed affidavit. In his affidavit also he stated that, the applicant and respondent no.2 have mutually settled the dispute including proceeding of R.C.S. no.289 of 2017, and therefore, he has no objection to quash the F.I.R.

7. The informant has also filed the affidavit stating therein that, the matter is amicably settled between the parties and he has no objection to quash and F.I.R.

8. The parties are present before this Court and on interacting with the informant and injured witness, they have stated that, it is their voluntary act with free will and without any coercion, to mutually settle the dispute and to pray for quashing of the F.I.R. in view of the settlement arrived at between the parties.

9. Upon perusal of the affidavits filed by the parties and also other material on record, it appears that, predominantly the dispute is of civil nature. The Supreme Court in the case of **Gian Singh V/s. State of Punjab and another**¹ has observed that, in

¹12012 (10) SCC 303

order to secure the ends of justice, the compromise/settlement can be accepted while exercising the jurisdiction under section 482 of the Code of Criminal Procedure and F.I.R./charge-sheet can be quashed if the offences are not punishable under sections 302, 376 of the Indian Penal Code or under the Special Act like Prevention of Corruption Act etc.,

10. In the light of the discussion hereinabove and keeping in view of the contents of the affidavits filed by the applicants, injured witness and respondent no.2, we are of the opinion that, the ends of justice would be met in case the settlement is accepted and the F.I.R. is quashed so as to prevent further abuse of process of law/court.

11. In the result the application is allowed in terms of prayer Clause `B'. Rule is made absolute in the above terms. The Petition stands disposed of accordingly.

(A.M. DHAVAL, J)

(S.S. SHINDE, J)