

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

CRIMINAL APPLICATION NO. 4265 OF 2017

1. Kesarbai Sidram Salgar,
Age : 55 years, Occupation : Housewife,
R/o. Ter, Tq. & Dist. Osmanabad.
 2. Sidram Limbaji Salgar,
Age : 62 years, Occupation : Agriculture,
R/o. Ter, Tq. & Dist. Osmanabad.
 3. Saxena @ Sakshana Sidram Salgar,
Age : 29 years, Occupation : Social Worker,
R/o. Ter, Tq. & Dist. Osmanabad.
 4. Saraswati Sidram Salgar,
Age : 27 years, Occupation : Education,
R/o. 24/6, Old Rajinder Nagar,
New Delhi-110060.
 5. Rakhi Vithal Gadade,
Age : 37 years, Occupation : Service,
R/o. 194, Nandanvan Colony,
Aurangabad, Dist. Aurangabad.
 6. Vithal Yashwant Gadade,
Age:48 years, Occupation : Business,
R/o. 194, Nandanvan Colony,
Aurangabad, Dist. Aurangabad.
 7. Randhir Sidram Salgar,
Age : 48 years, Occupation : Business,
R/o. Ter, Tq. & Dist. Osmanabad.
- ... Applicants

VERSUS

1. The State of Maharashtra
Through Police Station Dhoki
Dist. Osmanabad.

2. Manisha Sachin Salgar,
 Age : 23 years, Occupation:Housewife,
 R/o. Ter, Tq. & Dist. Osmanabad.
 At present -
 C/o. Ganesh Bhikaji Jarak,
 Survey No. 176/12, Dashrath Nagar,
 Dhamalwadi, Near Sanjuda Complex,
 Bhekrai Nagar, Phursungi, Hadapsar,
 Pune-411028. ... Respondents

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 Mr S. J. Salunke, Advocate for the applicants
 Mrs Vaishali N. Patil-Jadhav, APP for respondent/State
 Mr A. V. Lavte, Advocate for respondent No. 2

WITH
 CRIMINAL APPLICATION NO.4713 OF 2017
 IN
 CRIMINAL APPLICATION NO. 4265 OF 2017

CORAM : S. S. SHINDE &
 A. M. DHAVAL, JJ.
 DATE : 04.09.2017.

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

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at admission stage.

2. Pursuant to the notices issued by this Court, respondent No. 2 i.e. informant has filed affidavit. It is stated in the said affidavit that, with the intervention of the elderly persons and relatives,

respondent No. 2 and the applicants/accused resolved the disputes between them amicably. Now there are no differences between the deponent & the accused and in view of the amicable settlement, the informant does not want to continue with the criminal proceedings against the accused arising out of the Crime bearing No. 0117/2017, registered with Police Station Dhoki, Tq. & Dist. Osmanabad, for the offences punishable u/s 498A, 323, 504, 506 r/w 34 of the Indian Penal Code on 09.05.2017. The said affidavit is already placed on record.

3. Respondent No. 2 and the accused are present before the court and they are identified by their respective counsel.

4. Having interacted with respondent No. 2-the informant, she stated that it is her voluntary act to enter into the settlement and the compromise arrived at between the parties is without any coercion. In that view of the matter, keeping in view the exposition of law by the Hon'ble Apex Court in the matter of Gian Singh Versus State of Punjab and Another reported in (2012) 10 SCC 303, in order to secure the ends of justice and to prevent the abuse of process of the Court, we are inclined to accept the affidavit showing compromise arrived at between the parties. No useful purpose would be served in continuing

with the proceedings in the light of the compromise arrived at between the parties. Further continuation of the proceedings would be an exercise in futility. In that view of the matter, the Criminal Application is allowed in terms of compromise arrived at between the parties.

5. The First Information Report bearing No. 0117/2017, registered with Police Station Dhoki, Tq. & Dist. Osmanabad, for the offences punishable u/s 498A, 323, 504, 506 r/w 34 of the Indian Penal Code on 09.05.2017, stands quashed and set aside.

6. In view of disposal of Criminal Application No. 4265 of 2017, nothing survives for consideration in the connected Criminal Application No. 4713 of 2017 and same stands disposed of.

7. Rule made absolute in above terms with no order as to costs.

[A. M. DHAVALA]
JUDGE

[S. S. SHINDE]
JUDGE

sgp