

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4998 OF 2016

1) Sau. Kalpana Baban Madan,
Age-32 years, Occu:Agri.,

2) Baban Asaram Madan,
Age-38 years, Occu:Agri.,

Both R/o At Keligavan,
Tq-Badnapur, Dist-Jalna.

...APPLICANTS

VERSUS

1) The State of Maharashtra,
Through Police Inspector,
Kadim Police Station, Jalna,
Dist-Jalna,

2) Vidyasagar Sadanand Dhilpe,
Age-62 years, Occu:Agri.,
R/o-Bhadadkheda, Tq-Badnapur,
Dist-Jalna.

...RESPONDENTS

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Mr. M.V. Salunke Advocate h/f. Mr. V.D. Salunke
Advocate for Applicants.

Mr. S.Y. Mahajan, Additional Public
Prosecutor for Respondent No.1.

Mr. Swapnil Patunkar Advocate for Respondent
No.2.

...

**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 10TH JANUARY, 2017

ORDER :

. Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel appearing for the parties.

2. This Application under Section 482 of the Code of Criminal Procedure, is filed praying therein to quash the F.I.R. No.168 of 2016 dated 28th May 2016 registered at Kadim Police Station, Dist-Jalna under Sections 420, 467, 468, 471 read with 34 of the Indian Penal Code.

3. Learned counsel appearing for the Applicants and learned counsel appearing for Respondent No.2 submits that after filing this Criminal Application, the Applicants and Respondent No.2 decided to settle the dispute amicably and to that effect purshis duly signed by

Sau. Kalpana Baban Madan and Shri Vidyasagar Sadanand Dhilpe was filed in Regular Civil Suit No.34 of 2016, which was pending in the Court of Civil Judge, Junior Division, Badnapur. It is further submitted that in view of the compromise arrived at between the parties, compromise decree came to be passed by the Civil Judge, Junior Division, Badnapur. The learned counsel appearing for the Applicants tendered across the Bar copy of said compromise decree. The same is taken on record and marked "X" for identification purpose.

4. When the matter was called out in the Morning Session, the counsel appearing for the Applicants and Respondent No.2 jointly prayed for referring the parties before the Registrar (Judicial) for verification of the terms of compromise. Accordingly, the Registrar (Judicial) has prepared the report and same is placed on record. The parties were identified by the respective Advocates appearing for them and it is

stated in the said report that it is voluntary act of the parties to enter into terms of compromise, keeping in view the compromise arrived at between the parties before the Civil Court.

5. The Applicants and Respondent No.2 are present before this Court. Respondent No.2 stated that it is his voluntary act to enter into compromise and settle the dispute amicably since the elderly persons in the village impressed upon the informant and the Applicants to settle the dispute amicably. Respondent No.2 further stated that since it is his voluntary act with free will and without coercion to sign the terms of compromise, he is not going to support the allegations in the First Information Report No.168 of 2016 registered on 28th May 2016 with Kadim Police Station, Dist-Jalna for the offence punishable under Sections 420, 467, 468, 471 read with 34 of the Indian Penal Code.

6. The Applicants also stated that due to intervention of elderly persons in the village and relatives, Applicants and Respondent No.2 decided to set at rest the dispute amicably and to that effect even the compromise decree has been passed on the basis of amicable settlement, by the Court of Civil Judge, Junior Division, Badnapur.

7. In the light of discussion in foregoing paragraphs and keeping in view the exposition of law in the case of **Gian Singh vs. State of Punjab and another reported in 2012 (10) SCC Page 303**, in our considered view, no fruitful purpose would be served by continuation of further proceedings based upon investigation of said F.I.R. No.168 of 2016. It would be exercise in futility since Respondent No.2 has stated that he is not going to prosecute the Applicants and support the allegations in the F.I.R. Therefore, in order to prevent the abuse of process of law/Court, the Application deserves to be allowed.

8. Criminal Application is allowed in terms of prayer clause "B)". Rule made absolute in above terms.

[K.K. SONAWANE, J.]

asb/JAN17

[S.S. SHINDE, J.]