

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

CRIMINAL APPLICATION NO.5293 OF 2017

1. Pankaj Dayaram Joshi,
Age 26 years, Occu: Business,
R/o Gupta Garden, Gandhi Nagar,
Chikhli, Tq. Chikhli, Dist. Buldhana.
2. Dayaram Dulji Joshi,
Age 58 years, Occu: Business,
R/o Gupta Garden, Gandhi Nagar,
Chikhli, Tq. Chikhli, Dist. Buldhana.
3. Shantabai Dayaram Joshi,
Age 48 years, Occu: Household,
R/o Gupta Garden, Gandhi Nagar,
Chikhli, Tq. Chikhli, Dist. Buldhana.
4. Sangita Yogesh Joshi,
Age 30 years, Occu: Household,
R/o Parli, Vaijinath, Tq. Parli,
Dist. Beed.
5. Nisha Gopal Joshi,
Age 32 years, Occu: Household,
R/o Sendva, Tq. Sendva, Dist. Khargun,
Madhya Pradesh. ... **Applicants**

Versus

1. The State of Maharashtra,
Through CIDCO N-7 Police Station,
Aurangabad.
2. Sona Pankaj Joshi,
Age 28 years, Occu: Household,
R/o Ganpati Mandir, Nagar Khana,
Aurangabad. ... **Respondents**

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Mr. R.G.Joshi, Advocate for Applicants
Mr. D.R.Kale, APP for Respondent Nos.1 – State
Mr. S.N.Lale, Advocate for Respondent No.2

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**CORAM : S.S.SHINDE AND
MANGESH S. PATIL, JJ.**

DATE : 05th December, 2017

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

Heard. Rule. Rule is made returnable forthwith.
With the consent of both the sides, the matter is heard finally.

2. Pursuant to notices issued to Respondents, Respondent No.2 has caused his appearance through Advocate Mr. S.N.Lale. Respondent No.2 is present in the Court. The learned counsel appearing for the applicants and Respondent No.2 have tendered across the bar joint affidavit marked as Exh-'X' of applicant No.1 and Respondent No.2.

3. Respondent No.2 is present in the Court Hall. On specific query to her, 'whether it is her voluntary act to

enter into such settlement and pray for quashing the FIR', she has stated that 'it is her voluntary act to enter into an amicable settlement'. It is specifically stated by her that she does not want to continue with the further proceeding in Regular Criminal Case No.486 of 2016 (State Vs. Pankaj Joshi & others) pending before the learned Judicial Magistrate (First Class), Aurangabad.

4. Keeping in view the fact that the parties have amicably settled the dispute and Respondent No.2 is not inclined to pursue further proceeding in Regular Criminal Case No.486 of 2016, no fruitful purpose would be served by keeping the afore mentioned proceeding pending before the Court. It will be exercised in futility and wastage of valuable time of the Court. Therefore, keeping in view of the observations of the Supreme Court in the case of **Gian Singh Vs. State of Punjab and another [(2012) 10 SCC page 303]** that such settlement can be accepted and FIR can be quashed so as to secure the ends of justice and to prevent further abuse of the process of the Court, we

are inclined to allow the application.

5. Accordingly, the application is allowed. Rule made absolute in terms of prayer clause 'B'. The application stands disposed of accordingly.

(MANGESH S. PATIL, J.)

(S.S.SHINDE, J.)

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vmk/-