

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

CRIMINAL APPLICATION NO.6233 OF 2015

1. Kailash Venkat Aghav,
Age 30 years, Occu. Service,
R/o Panchashil Nagar, Parli Vajjnath,
Dist. Beed Presently
At Nagpur, Tq. & District Nagpur.
2. Venkat Maruti Aghav,
Age 52 years, Occu. Agri. & Business,
R/o Panchashil Nagar, Parli Vajjnath,
District Beed.
3. Rukminbai Venkat Aghav,
Age 46 years, Occu. Housewife,
R/o Panchashil Nagar, Parli Vajjnath,
District Beed.
4. Deepali Siddheshwar Munde,
Age 24 years, Occu. Housewife,
R/o Kalambwadi, Tq. Barshi,
District Solapur.
5. Vaishali Kailash Holambe,
Age 27 years, Occu. Housewife,
R/o Maindwadi, Tq. Parli Vajjnath,
District Beed.
6. Jayashri Venkat Aghav,
Age 19 years, Occu. Education,
R/o Panchashil Nagar, Parli Vajjnath,
District Beed Presently
At Nagpur, Tq. & District Nagpur. ... **Applicants**

Versus

1. The State of Maharashtra
Through Police Inspector

Parli City Police Station,
Parli Vajinath, District Beed.

2. Sharda Kailash Aghav,
Age 27 years, Occu. Household,
R/o Jalalpur, Mathuranagar,
Parli Vajinath, Tq. Parli Vajinath,
District Beed.

... **Respondents**

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Mr. P.P.Kothari h/f Mr. S.S.Bora, Advocate for Applicant
Nos.1 to 6

Mrs. P.V.Diggikar, APP for Respondent No.1-State
Mr. H.F.Pawar, Advocate for Respondent No.2

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

DATED : 6th November, 2017

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

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

2. This application is filed with following prayer :

“Prayer Clause C :- The First Information Report No.200/2015 dated 08.09.2015 registered at Parli City Police Station against the Applicants for the offence punishable under Section 498(A), 323, 504, 506 r/w 34 of I.P.C. may kindly be quashed and set aside.”

3. Pursuant to notices issued to the respondents, learned counsel appearing for Respondent No.2 has

tendered across the bar affidavit of compromise. Same is taken on record.

4. Learned counsel appearing for the Applicants and Respondent No.2, relying upon the averments in the affidavit filed by Respondent No.2, submits that parties have settled the dispute as a result of mediation process. Applicant No.1 and Respondent No.2 have decided to initiate the divorce proceeding with mutual consent. Accordingly, Hindu Marriage Petition No.49 of 2017 (Kailas Venkatrao Aghav Vs. Sharda Kailas Aghav) is filed before the Court of Civil Judge, Senior Division, Ambejogai. The terms of compromise are already incorporated in the affidavit filed by Respondent No.2. Respondent No.2 is present in the Court Hall. On specific inquiry to her, she has stated that the settlement / compromise took place between the Applicants and Respondent No.2 is without any coercion and with her free will and therefore, the First Information Report may be quashed.

5. Keeping in view the observations of the Supreme

Court in the case of ***Gian Singh Vs. State of Punjab and another reported in 2012 (10) SCC page 303***

that in order to secure ends of justice or to prevent the abuse of process of Law, the settlement / compromise, if it is voluntary act of the parties and if the informant does not want to further continue with such allegations in the FIR, the FIR can be quashed so as to prevent the abuse of process of Law.

6. In the light of above, the application is allowed in terms of prayer clause 'C'. Rule made absolute in the above terms. Application stands disposed off.

7. It is needless to observe that Respondent No.2 can apply before the Court of Civil Judge, Senior Division, Ambejogai for withdrawal of the amount deposited pursuant to the settlement / compromise between the parties and the concerned Court to consider the said prayer suitably.

(MANGESH S. PATIL, J.)

(S.S.SHINDE, J.)

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vmk/-