

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

CRIMINAL APPLICATION NO.6417 OF 2016

1. Taslim Begum Tayyeb Qureshi
w/o Tayyeb Jainulabedin Qureshi
Age: 42 years, Occu:Housewife,
R/o. 1/2527, Near Vitthal Mandir,
Lota Karanja, Dist. Aurangabad.
 2. Wasim Mohmmad Akhtar
Age: Major, Occu : Business,
R/o.7/73, Rajendra Nagar,
Sahibabad, Gaziyabad,
Uttar Pradesh.
- APPLICANTS**

VERSUS

1. The State of Maharashtra
Through Police Station,
Jinsi, Dist. Aurangabad.
2. The Dy. Commissioner of Police
Aurangabad, Dist. Aurangabad.
3. Station House Officer,
Police Station, Jinsi,
Dist. Aurangabad.
4. Investigation Officer,
Jinsi Police Station, Aurangabad
5. Tayyeb s/o Jainulabedin Qureshi
Age: 45 Years, Occu: Business
R/o. 1/2527, Near Vitthal Mandir,
Lota Karanja, Dist. Aurangabad.
6. Aasia d/o. Yunis Khan,
Age: Major, Occu: Household,
R/o. [1] Kazbari Darga, Padegaon
Aurangabad

[2] Diamond Function Hall,
Juna Bazar, City Chowk,
Aurangabad.

RESPONDENTS

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Mr.A.R.Barate, Advocate for the applicants
Mr.Satej S. Jadhav, Advocate holding for
Mr.A.K.Bhosale, Advocate for respondent nos.5
and 6.
Mr.S.P.Deshmukh, APP for Respondent Nos.1 to
4 / State

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

Reserved on : 17.03.2017
Pronounced on : 22.03.2017

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

1. Heard.
2. Rule. Rule made returnable
forthwith, and heard finally with the consent
of the parties.
3. This Application is filed with the
following prayer:

A] To quash and set aside the FIR Crime
No.195/2016 dtd. 12.5.2016 for the
offence punishable U/sec. 354-A,

392, r/w. 34 of the IPC registered with Jinsi Police Station, Aurangabad against the Applicant.

4. Pursuant to the notices issued to the respondents, applicant no.1 and respondent no.5 have filed compromise *pursis*. The said compromise *pursis* is signed by applicant nos.1 and 2 and respondent nos.5 and 6. The parties were referred to the Registrar [Judicial] for verification of the terms of the settlement/compromise. Applicant nos.1 and 2 and also respondent nos.5 and 6 appeared before the Registrar [Judicial]. The parties were identified by the advocates appearing for them. It appears that the contents of compromise *pursis* read over and explained to the applicants and respondent nos.5 and 6 in vernacular and they have admitted the same as true and correct. We have also interacted with applicant nos.1 and 2 and respondent nos.5 and 6. There is no

doubt that it is voluntary act of the applicants and private respondents to enter into compromise.

5. We have carefully perused the investigation papers. Though there is allegation of offence punishable under Sections 354 [A], 392 r/w. 34 of the IPC, it appears that the same is exaggerated version. Upon perusal of the compromise *pursis* duly sworn and verified before the Registrar [Judicial], it appears that applicant no.1 and respondent no.6 have filed cases against each other. They have decided not to proceed with those cases and withdraw the same, in view of the compromise *pursis*. As already observed, the said compromise *pursis* is on record and duly verified before the Registrar [Judicial].

6. In that view of the matter, since an informant has decided not to proceed with the

further investigation/proceedings arising out of the FIR bearing Crime No.195/2016 registered with Jinsi Police Station, Aurangabad, for the offences punishable under Sections 354-A, 392 r/w. 34 of the IPC, no fruitful purpose would be served by continuing the further investigation/proceedings, arising out of the FIR bearing Crime No.195/2016, registered with Jinsi Police Station, Aurangabad, for the offences punishable under Sections 354-A, 392 r/w. 34 of the IPC.

7. Keeping in view the exposition of law by the Supreme Court in the case of **Gian Singh Vs. State of Punjab & another¹**, and also in the case of **Narinder Singh & others Vs. State of Punjab & another²**, so as to prevent abuse of process of law, we are inclined to allow this Application.

1. 2012 AIR SCW 5333

2. 2014 AIR SCW 2065

8. Accordingly, Criminal Application is allowed in terms of prayer clause-A. Rule is made absolute on above terms and the Criminal Application stands disposed of.

[K.K.SONAWANE]
JUDGE

[S.S.SHINDE]
JUDGE

DDC