

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.792 OF 2017
(Bhaurao Namdevrao Kurhade and Ors. vs. State and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.D.M.Upadhye, Advocate for the applicants.
Mr.V.P.Gangane, A.P.P. for Respondent No.1/State.
Mr.Mohammed Halique, Advocate for Respondent Nos.2 & 3.

CORAM : R. K. DESHPANDE &
M.G.GIRATKAR, JJ.

DATE : 22.11.2017.

Mr.D.M.Upadhye, learned Counsel for the applicants, Mr.V.P.Gangane, learned A.P.P. for Respondent No.1/State and Mr.Mohammed Halique, learned Counsel for Respondent Nos. 2 and 3 have filed a pursis dt.16.11.2017, which is marked as 'X' for identification, the contents of which are re-produced below :

“ The Respondent No.2 Pradhnya Bhaurao Kurhade and Respondent No.3 Devendra @ Harshwardhan Bhaurao Ingle, alongwith Applicants No.1 to 3 are filing the joint pursis as under :-

1. That, the Applicant No.1 & 2 are the mother and father, and applicant No.3 is the brother of Respondent No.2, whereas the

2

applicants No.1 to 3 are the in-laws of the Respondent No.3.

2. It is submitted that, the present case has been filed against the applicant out of misunderstanding and out of matrimonial disputes, but now the Respondent No.2 & 3 are residing together as husband and wife as they already got married with each other prior to the incident and the applicants have accepted their marriage, therefore, the respondent No.2 & 3 have no grudge against the present applicants and they do not want to proceed against them, as they have amicably settled the matter out of Court, hence to meet the ends of justice the respondents No.2 & 3 have no objection at all to quash and F.I.R. bearing No.182/2009 and proceeding initiated as per Sessions Trial No.36/2013 pending on the file of Sessions Judge, Amravati.

Hence, this pursis.”

The learned Counsel for the applicants submits that all the applicants are present personally in the Court and he identifies them. The learned Counsels for the Respondent Nos. 2 and 3 also identify them. The pursis is signed by the parties as well as the Counsels.

In view of the aforesaid position, we do not find any propriety to continue the

3

prosecution against the applicants.

In view of above, this Criminal Application is allowed in terms of prayer clause (i) thereof, which is re-produced below :

“Quash and set aside FIR No.182/2009 registered by P.S.O., P.S., Daryapur, Tq. and District Amravati and charge sheet filed on the basis of same and proceedings in Sessions Trial No.36/2013, punishable u/s.397, 492, 363 (Annexure “A”) against Present Applicants, in the interest of justice and equity.”

No order as to costs.

JUDGE

JUDGE

jaiswal