

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

CRIMINAL APPLICATION NO.2152 OF 2018

Babu s/o Vaijnath Gaikwad
Age 32 years, Occu. Service,
R/o Ghatwadi, Kaij,
Tq. Kaij, District Beed, at present
R/o Sant Dnyaneshwar Nagar,
Pathari, Taluka Pathari,
District Parbhani

...APPLICANT

VERSUS

1. The State of Maharashtra
through Police Inspector,
Kaij Police Station, Kaij,
Taluka Kaij, District Beed
(Copy to be served in the office of
Public Prosecutor, High Court of
Bombay, Bench at Aurangabad)

2. Mangal w/o Bandu Dethe,
Age 45 years, Occu. Agri. & Household,
R/o Ghatwadi, Taluka Kaij,
District Beed.

...RESPONDENTS

.....
Shri A.V. Rakh, Advocate for applicant
Shri K.S. Patil, A.P.P. for State
Shri S.S. Dambe, Advocate for respondent No.2
.....

**CORAM: S.S. SHINDE AND
R.G. AVACHAT, JJ.**

DATED : 8th February, 2019

ORAL JUDGMENT (PER S.S. SHINDE, J.) :

1. Rule. Rule made returnable forthwith and heard

finally with the consent of learned counsel appearing for the parties.

2. This application is filed with following prayer.

(B) Be pleased to quash and set aside the First Information Report registered against the present applicant vide C.R. No.256/2018 registered with Kaij Police Station, Kaij, District Beed on 17.6.2018 for the offence punishable under Sections 354, 354A, 504 and 506 of Indian Penal Code and for that purpose issue necessary orders.

3. Learned counsel appearing for the applicant and learned counsel appearing for respondent No.2 submit that, with the intervention of elderly persons in the village, and in order to maintain cordial relations in future, the applicant and respondent No.2 have amicably settled the matter. Learned counsel appearing for the respondent No.2 has tendered across the bar affidavit of respondent No.2. It is stated in the said affidavit that the respected persons from the village came together and in their presence, the respondent No.2 and applicant have resolved the dispute to maintain peace and harmony between them in future. Such compromise is in the interest of both the parties and it is decided not to proceed with the matter. Respondent No.2 does

not want to proceed with the complaint and if the applicant has no objection to quash the F.I.R. It is also stated that, the applicant and respondent No.2 are residing in the same village and they have developed cordial relations.

4. The respondent No.2 is present in the Court, identified by her Advocate Mr. S.S. Dambe. On specific query to her, she stated that, she voluntarily agreed for such amicable settlement and she does not wish to pursue the allegations made in the F.I.R.

5. The applicant is also present in the Court, identified by his Advocate Mr. A.V. Rakh. He submits that, the dispute is amicably resolved with the intervention of the respected persons in the village.

6. In view of the amicable settlement, respondent No.2 has decided not to pursue the allegations in the F.I.R. and proceed with the F..R. Since respondent No.2 has decided not to pursue the allegations in the F.I.R. and not to proceed with the F.I.R., she will not support the prosecution case and ultimately, chances of conviction of the applicant will be bleak.

7. The compromise is taken on record.

8. In the light of discussion hereinabove, and to prevent abuse of the process of law and Court, we are inclined to quash the aforesaid F.I.R.

9. In the result, the Criminal Application is allowed in terms of prayer clause (B). Rule made absolute on above terms. Criminal Application stands disposed of accordingly.

10. Parties to act upon authenticated copy of this order.

**R.G. AVACHAT
JUDGE**

**S.S. SHINDE
JUDGE**

fmp/