

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

CRIMINAL APPLICATION NO.3044 OF 2018

1. Anurag Anil Lahoti
Age : 42 years, Occ : Business
R/o. 15-Block, Lakibha Nagar,
Bhusawal.
2. Anil Ganesh Prasad Lahoti,
Age : 66 Years, Occu. Business
3. Mangala Anil Lahoti,
Age : 66, Occu. Household.
4. Shaila Anil Lahoti,
Age : 64 years, Occu. Household,

Applicant No. 2 to 4
R/o. Lahoti Towner,
Gangaram Plot, Front of Radha Krishna
Temple, Bhusawal, Dist. Jalgaon.
5. Mohit Anil Lahoti,
Age : 37 years, Occu. Business.
6. Khusbu M Lahoti @ Panky
Age: 35 years, Occu. Business

Both R/o. Riddhi Height,
S.No. 181/A 24-B-Nahata Nagar,
Bhusawal, Dist. Jalgaon.

.. APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Hanumathanagar,
Police Station, Bagalore (K.S.)

2. Ashawini Anurang Lahoti,
Age : 34 years, Occu. Household,
R/o. Vikram A, 575, 5th Main,
2nd Cross, Hanumanthanagar,
Bangalore : 560019 (K.S.) ..**RESPONDENTS**

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Mr.Shaikh Mohammad Naseer A., Advocate for
the applicants

Mr.S.B.Joshi, APP for the Respondent—State
Respondent no.2 present in-person.

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

DATE : 26.02.2019

ORAL JUDGMENT : [Per : S.S.Shinde, J.]

1] Heard the learned counsel appearing
for the applicants, learned APP appearing for
the respondent-State. Respondent no.2
appeared in-person.

2] Rule. Rule made returnable
forthwith, and heard finally with the consent
of the parties.

3] This Application is filed praying
therein to quash and set aside the Crime
No.49/2018, registered with Bazar Peth Police
Station, Bhusawal, District Jalgaon, for the

offence punishable under Sections 498-A, 420, 324, 408, 506 r/w. 34 of the Indian Penal Code, in view of the joint compromise filed by the applicants and respondent no.2 before the Chief Metropolitan Magistrate at Bangalore in C. Misc. No.207/2017 under Domestic Violence Act.

4] It appears that, applicant no.1 and respondent no.2 have filed joint *pursis* in H.M.P.No. 315 of 2017 [Anurag Anil Lahoti Vs. Ashwini Anurag Lahoti], which was initiated before the Civil Judge Senior Division, Bhusawal, District Jalgaon. The contents of the said Joint *pursis* reads thus:

That, Shri Anurag Anil Lahoti (Petitioner) and Sau. Ashwini Anurag Lahoti (Respondent) that they both filed present Joint Pursis for withdrawal this petition as under.

That they both settled their disputes and wants to lead happy married life.

That accordingly respondent Ashwini came to Bhusawal from Bangalore on dt.20/09/2018 for cohabitation since then they reside together and cohabit smoothly without any dispute.

That they does not want to proceed in any case filed by both of them against each other.

Hence for the reason mentioned above petitioner Anurag desire to withdraw this petition and respondent Ashwini also having no objection to withdraw this petition.

Hence this joint pursis filed by both petitioner & respondent and sign on it before Hon'ble Court.

5] We have interacted with respondent no.2 and also applicant no.1, and both of them have jointly stated that, keeping in view the interest of three children, and also to live further happy married life, they have amicably settled the dispute. Respondent no.2 stated that, she does not wish to proceed with the First Information Report, and she has no objection to quash the said FIR.

6] Applicant no.1 and respondent no.2 have amicably settled the dispute, and are staying together from last 6 months and also taking care of three children, and respondent no.2 voluntarily stated before this Court that, in view of the amicable settlement, she does not wish to pursue the allegations in the FIR. Since the entire dispute is private in nature, and since the same is settled, no purpose would be served by continuing the further investigation of FIR vide Crime No.49/2018, registered with Bazar Peth Police Station, Bhusawal, District Jalgaon, for the offences punishable under Sections 498-A, 420, 324, 408, 506 r/w. 34 of the Indian Penal Code, and also the proceedings arising out of the said FIR. In view of the amicable settlement between the parties, and respondent no.2 has decided not to pursue the allegations in the FIR, the chances of the

conviction of the applicants would be bleak, and further continuation of the investigation / proceedings of FIR vide Crime No.49/2018, registered with Bazar Peth Police Station, Bhusawal, District Jalgaon, for the offences punishable under Sections 498-A, 420, 324, 408, 506 r/w. 34 of the Indian Penal Code, would be abuse of process of law / court.

7] In that view of the matter, keeping in view the judgment of the Supreme Court in the case of ***Gian Singh V/s. State of Punjab and another***¹ to secure ends of justice and to prevent the abuse of process of the court, the Application deserves to be allowed. Accordingly, the Criminal Application is allowed in terms of prayer clause-a.

8] Rule is made absolute on above terms. The Application stands disposed of accordingly.

1. 2012 (10) SC 303

9] Parties to act upon authenticated
copy of this order.

[R.G.AVACHAT]
JUDGE

[S.S.SHINDE]
JUDGE

DDC