

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

CRIMINAL APPLICATION NO.3277 OF 2022

**INDUBAI DEORAM PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....

Mr. V.P. Patil, Advocate for the Applicants
Mr. S.P. Deshmukh, APP for respondent No.1/State
Mr. R.P. Savale, Advocate for Respondent No.2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 07 OCTOBER 2022

PER COURT:-

. It is an application for quashing of the proceedings vide RCC No.176 of 2002 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

2. Heard Mr. Vinod Patil, learned counsel for applicants, Mr. S.P. Deshmukh, learned APP for respondent No.1/State and Mr. R.P. Savale, learned counsel for respondent No.2.

3. It is revealed during brief hearing that the proceedings of RCC No.176 of 2002 was born at the instance of complaint filed by respondent No.2/original complainant

Kamalbhai Ragho Patil. The case went on trial, and on conclusion of the trial, the learned Judicial Magistrate, First Class, Chalisgaon was pleased to convict the present applicants under Sections 420, 465 read with Section 34 of the Indian Penal Code. An appeal was preferred against that order of conviction vide Criminal Appeal No.149 of 2016, but the same was dismissed vide judgment and order dated 29.07.2022.

4. After the decision rendered by the appellate Court, there was development between the parties in view of their close relationship. The parties have entered into amicable settlement and decided to put quietus to this litigation so that they may end their remaining life happily without having any grudge against each other. Accordingly, the parties have submitted their affidavits. This Court vide order dated 04.10.2022 was pleased to request the Registrar (Judicial) of this Court to verify the terms of compromise, and accordingly the Registrar (Judicial) has submitted his report dated 06.10.2022. On perusing the same, it would reveal that both the parties have settled their dispute amicably and the said terms of settlement are signed by both the parties and their Advocates. In the interest of justice, both the sides

decided to put quietus to this litigation, and in view of the judgment of the Hon'ble Supreme Court relied upon by Mr. Patil in case of *B.S. Joshi and others Vs. State of Haryana and another* reported in *AIR 2003 SC 1386*, it is a fit case to quash the proceedings by invoking Section 482 of the Code of Criminal Procedure.

5. Having regard to the above reasons, and in view of amicable settlement between the parties, the following order is passed.

ORDER

- (i) The criminal application is hereby allowed in terms of prayer clause (B).
- (ii) The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane