



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1059 OF 2018

Santosh lalchand Shivnekar
and another

... Petitioners

VERSUS

The State of Maharashtra
and another

... Respondents

.....

Mr. S.V. Suryawanshi, Advocate for Petitioners
Mr. S.D. Ghayal, APP for Respondent No.1 – State
Mr. D.P. Munde, Advocate for Respondent No.2

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th JANUARY, 2024

ORDER :

1. Heard learned advocate for petitioners, learned APP for respondent No.1 and learned advocate for respondent No.2.

2. Parties have amicably settled their dispute and settlement terms are filed on record, which are jointly signed by petitioners and respondent No.2. As per settlement terms, parties have amicably settled their dispute. Settlement terms are marked 'X' for identification purpose.

3. Learned APP oppose the prayer of parties stating that it is a State case and therefore compromise cannot be recorded.

4. Even if the case is allowed to proceed, the informant and the witnesses are not likely to support the prosecution, and it would be wastage of time of Trial Court, if proceedings are allowed to continue. In spite of compromise.

5. In view of amicable settlement of dispute between the parties, which appears to be of civil nature, writ petition is allowed in terms of prayer clauses 'B' and 'C', which are as follows.

"(B) Quash and set aside order dated 06.02.2018 passed by the Ld. Judicial Magistrate (F.C.), Bhadgaon on application Exhibit-14 in Regular Criminal Case No.59/2017 (Annexed at Exhibit- "E") and the judgment and order dated 1306.2018 passed by Ld. Adhoc Additional Sessions Judge, Jalgaon in Criminal Revision Application No.15/2018 (Annexed at Exhibit – "G") and for that purpose issue necessary order or directions.

(C) By an appropriate order the application at Exhibit-14 filed by the Petitioners (Annexed at Exhibit – "D") in Regular Criminal Case No.59/2017 may kindly be allowed and the Petitioners may kindly be discharged in Regular Criminal Case No.59/2017 pending in the Court of Ld. Judicial Magistrate, First Class, Bhadgaon for the offences punishable u/s. 384, 504, 506, 341 r/w/ 34 of the Indian Penal Code, 1860 (Annexed at Exhibit – "C") for thar purpose issue necessary order or directions."

3. Petitioners shall deposit an amount of Rs.5,000/- each in the Advocates' Association, Bar Library, High Court of Bombay, Bench at Aurangabad.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane