

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 190 OF 2016**

Badshah Allabaksha Bagwaan

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Prashant P. Kulkarni for Applicant.

Mr. S.V. Gavand, A.P.P. for Respondent-State.

P.S.I. Ms. Urmila Khot, Shivajinagar Police Station, Ichalkaranji.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 10th April 2024.****P.C. :**

1) Learned A.P.P., on instructions from Police Sub-Inspector Ms. Urmila Khot, Shivajinagar Police Station, Ichalkaranji, District Kolhapur, submitted that, the police have already completed investigation of present crime, however in view of Order dated 22nd March 2016, chargesheet has not been filed before the Court of competent jurisdiction. He further submitted that, there is material available to indict the Applicant in the present crime.

2) Learned Advocate for Applicant submitted that, the parties herein have settled the matter amicably and Consent Terms are filed before the trial Court in Special Civil Suit No. 16 of 2016 on 13th March 2018. That, the trial Court has accepted the said Consent Terms and the said suit has

been disposed off. That, in the said Consent Terms, the Respondent No.2 has given an undertaking, to give his consent for quashing of CR No. 41 of 2016 registered with Shivajinagar Police Station, Ichalkaranji, District Kolhapur,.

3) Learned Advocate for Applicant submitted that, despite execution of the said Consent Terms by the Respondent No.2, he is not coming forward before this Court to give his consent.

4) In view thereof, we permit the Investigating Agency to file appropriate report under the provisions of Section 173(2) of Criminal Procedure Code before the Court of competent jurisdiction. The investigation Agency may consider the said Decree and consent given by Respondent No.2, while filing Final Report before the Court of competent jurisdiction.

4.1) Order dated 22nd March 2016 is accordingly modified.

5) We grant liberty to the Applicant to point out the said fact of amicable settlement and passing of Decree in Special Civil Suit No. 16 of 2016 to the learned Judge of the trial Court, at the time of seeking discharge, if police submits chargesheet in the present crime.

6) Application is accordingly disposed off.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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