

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 CRIMINAL APPLICATION NO. 2082 OF 2019

Ganesh S/o. Haribhau Phule

VERSUS

The State Of Maharashtra And Anr

...

Mr. Rajput Deepak K., Advocate for Applicant

Mr. S. R. Wakale, APP for Respondent State

Mr. V. P. Narwade, Advocate for Respondent No.2

.....

CORAM : SANDIPKUMAR C. MORE &
Y. G. KHOBRADE, JJ.

DATE : 24th November, 2025

P. C. :

1. Heard.

2. By way of this application, the applicant is seeking seeking quashment of FIR bearing Crime No.75 of 2019 registered with Harsul Police Station Dist. Aurangabad for the offences punishable under section 307 read with section 34 of the Indian Penal Code alongwith charge sheet in the said crime and Sessions Case No.247 of 2023 arising out of it, presently pending before the learned Sessions Judge, Aurangabad.

3. However, during the course of pendency of this application, settlement took place between the applicant and Respondent No.2-informant. The said settlement deed, which is marked 'X' for identification was sent to the learned Registrar (Judicial) for verification. The learned Registrar (Judicial) submitted a report dated

30.09.2025, mentioning that the parties had admitted the contents of the said settlement deed and they voluntarily entered into the same.

4. On going through the said settlement deed, it is revealed that, since the applicants and Respondent No. 2 are residents of the same town, they have decided to give up their grievances and continue with cordial relations in the future. Further, Respondent No.2 also decided to withdraw the present prosecution and therefore, he does not want to proceed further with the aforesaid sessions case pending before the concerned Sessions Court, Aurangabad. They have decided not to raise any quarrel in future with each other.

5. Learned APP strongly opposed the settlement deed on the ground that at least Applicant No.1 is a habitual offender and same type of crime had been registered against him in the year 2015. He further submits that in the year 2018 also, a crime in respect of commission of theft under Section 379 IPC was also registered against him. Contrary to this, learned counsel appearing for the applicants submits that the applicant No.1 is already acquitted in the trial of Crime under section 307 IPC vide judgment and order dated 10.10.2018 in Sessions Case No. 39 of 2017 and produced the judgment to that effect.

6. Be that as it may, Respondent No. 2 has now decided not to proceed with the criminal proceedings in this matter under the settlement deed, and therefore, the trial of the pending Sessions Case before the concerned Sessions Court would be an exercise in futility.

Further, the applicants are also ready to pay certain costs voluntarily. Therefore, continuation of the proceeding arising out of the aforesaid FIR and charge sheet would be an abuse of process of law. Under such circumstances, the following order is passed.

ORDER

- I. The Criminal Application is hereby allowed.
- II. FIR bearing Crime No.75 of 2019 registered with Harsul Police Station Dist. Aurangabad for the offences punishable under section 307 read with section 34 of the Indian Penal Code alongwith charge sheet in the said crime and Sessions Case No.247 of 2023 arising out of it, pending before the learned Sessions Court, Aurangabad, are hereby quashed and set aside subject to payment of cost of Rs.25,000/- each, to be deposited with the Registry of this Court within two weeks.
- III. After the cost amount is deposited, the Registry shall disburse /transfer the same to the following Account:

ANAMPREM, A/c No.32144934687, IFSC : SBIN0014794,
S.B.I, SME, Kalyan Road, Ahilyanagar.

(Y. G. KHOBRADE, J.)

(SANDIPKUMAR C. MORE J.)