

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 CRIMINAL APPLICATION NO. 4032 OF 2024

Mohd. Younus S/o Mohd Ibrahim And Others
VERSUS
The State Of Maharashtra And Another

...
Advocate for Applicant : Mr. Avinash Hande
APP for Respondents : Mr. P. R. Bharaswadkar

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 06 JANUARY 2025

PER COURT :-

1. Present application has been filed for quashing FIR vide C.R. No.393 of 2024 dated 06.08.2024 registered with Vazirabad Police Station, District Nanded for the offences punishable under Sections 318(4), 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. Respondent No.2 appears *suo moto* through Advocate and files affidavit in reply and states that there is a compromise. It is stated that there was a Suit filed by the present applicant, being Regular Civil Suit No.327 of 2024 before learned Civil Judge Junior Division, Nanded for specific performance of the contract which has been compromised, as a result of settlement out of Court. Copy of the settlement terms read and recorded by the learned Civil Judge Junior Division, Nanded on 21.10.2024 has been produced along with the

affidavit in reply. It is now informed that the said Suit came to be disposed of by compromise finally, on 25.10.2024.

3. In view of the fact that the dispute/subject matter was also the subject matter before the Civil Court where compromise has taken place and it has been decided, and since the grievance has been redressed, respondent No.2 has no objection for quashment of the FIR. We take this to be a fit case where we should exercise our inherent powers under Section 482 of Cr.P.C. However, since the entire system has been used, we impose cost.

4. The present application stands allowed. The FIR vide C.R. No.393 of 2024 dated 06.08.2024 registered with Vazirabad Police Station, District Nanded for the offences punishable under Sections 318(4), 3(5) of Bhartiya Nyaya Sanhita, 2023 stands quashed and set aside as against applicants upon deposit of amount of Rs.30,000/- to the High Court Legal Services Sub-Committee, Aurangabad within a period of one week.

5. We clarify that payment of cost is a condition precedent and in case of failure on the part of the applicants to deposit the cost, the FIR will get revived.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE