

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

CRIMINAL WRIT PETITION NO.913 OF 2015.

1. Dr. Kishorkumar s/o Vasant Hande
Age 27 years, Occ. Doctor,
R/o "Chandrabha Nivas", Shivaji Wadi,
Moshi, Taluka Haweli, Dist. Pune.
 2. Shri Vasant Chandrakant Hande,
Age 55 years, Occ. Teacher,
R/o Chandrabha Nivas,
Shivajiwadi, Moshi, Tq. Haveli,
District Pune
 3. Sow. Meenatai Vasant Hande,
Age 46 years, occ. Household,
R/o Chandrabha Nivas,
Shivajiwadi, Moshi, Tq. Haveli,
District Pune
 4. Ku. Jyoti Vasant Hande,
Age 22 years, Occ. Education,
R/o as above.
 5. Shri Eknath Shankar Bodke,
Age 40 years, Occ. Service,
R/o At Post Pimpri Pendhar,
Tq. Junnar, District Pune.
- ... PETITIONERS
(Original Accused)

VERSUS

1. The State of Maharashtra
(Notice to be served upon A.P.P.,
High Court, Bench at Aurangabad)
2. The Senior Inspector of Police,
City Police Station, Sangamner,
District Ahmednagar.

3. Commissioner of Police,
Ahmednagar District.
4. Smt. Kshitija Kishorkumar Hande,
Age 26 years, Occ. Doctor,
Vidhyanagar, Shramik Medical
Stores, Sangamner, Tq. Sangamner,
District Ahmednagar. ... RESPONDENTS

.....
Shri S. Sudhakar, Advocate for petitioners
Shri A.V. Deshmukh, A.P.P. for respondents No.1 to 3/State
Shri S.K. Shinde, Advocate for respondent No.4
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CORAM: S.S. SHINDE AND
 A.I.S. CHEEMA, JJ.

DATED: 7th August, 2015.

ORAL JUDGMENT (Per : S.S. SHINDE, J.):

1. Rule. Rule made returnable forthwith and heard finally with the consent of learned counsel appearing for the parties.

2. This petition is filed praying therein for quashing the C.R. No.I-129/2014. The learned counsel appearing for the petitioners invited our attention to Ground N.VIII of the petition and submits that, the petitioner No.1 and respondent No.4 filed Divorce Petition under section 13(b) of the Hindu Marriage Act, 1955 with mutual consent. The learned counsel for the parties

informed this Court that 20th August 2015 is the date fixed by the concerned Court to decide the said proceedings finally.

3. In pursuance to the notice issued to the respondents, the respondent No.4 has filed the affidavit-in-reply. Para Nos.4 and 5 of the said affidavit-in-reply read thus :

"4. I say and submit that, after rejection of application for anticipatory bail, the elder members of both the families intervened in the matter and due to that, the petitioner No.1 and this deponent decided to file divorce petition u/s. 13(B) of Hindu Marriage Act for divorce by mutual consent. before the Civil Judge, Senior Division, Sangamner. According to that, the Hindu Marriage Petition No.54/2015 for divorce by mutual consent is came to be filed before the Trial Court. in the divorce petition, it has been agreed that, both have settled the dispute amicably and they will not initiate or adopt any proceeding, civil and criminal against each other. It was also agreed that, the complainant to sent letter to Senior Inspector of City Police Station, Sangamner that she did not want to proceed with the complaint as the matter is settled between the parties. Accordingly on 24.05.2015, the complainant sent letter to the concerned police station.

5. I say and submit that, as the matter is settled between the parties and according to that, divorce petition for grant of divorce by mutual consent is also filed before the Civil Judge, Senior Division, Sangamner."

4. The petitioner No.1 and respondent No.4 are present before this Court. On interacting with respondent No.4, she stated that she has received Rs.7,00,000/- (Rupees Seven Lakhs) towards permanent alimony. She has no any objection

for quashing the C.R. No.I-129/2014. She stated that, the affidavit filed by her before this Court is her voluntary act and without any coercion.

5. In the light of material placed on record and in particular affidavit-in-reply filed on behalf of respondent No.4, keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Gian Singh Vs. State of Punjab & anr.** reported in (2012) 10 SCC 303, in order to secure ends of justice and prevent abuse of process of the Court, in the facts of this case, the petition deserves to be allowed. Accordingly, rule is made absolute in terms of prayer clause (A). Petition is allowed to above extent and stands disposed of.

(A.I.S. CHEEMA, J.)

(S.S. SHINDE, J.)

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