

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6586 OF 2014

AJEET BHIKCHAND RAKA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. N.R. Thorat, Advocate h/f Mr. Arivind K. Tiwari.

APP for Respondent/State : Mrs. M.S. Patni.

Advocate for Respondent No.2 : Mr. H. P. Jadhav.

CORAM : S.S. SHINDE & A.M. BADAR, JJ.

DATE : 20th FEBRUARY, 2015.

PER COURT:

1] Heard. Perused affidavit in reply filed on behalf of respondent No.2. Upon careful perusal of the averments in the affidavit in reply, the complainant does not wish to prosecute the complaint. In her affidavit in para.1 she has stated that already the matrimonial dispute between the applicant No.1 and the complainant is amicably settled and the complainant has no grievance of whatsoever nature against the applicant. In para.2 of the affidavit in reply, it is stated thus :-

“The deponent submits that, as the learned Civil Judge Senior Division, Amalner in H.M.P. Proceeding No. 164 of 2011 has already passed the order of divorce between deponent and applicant no.1 vide its order dated 31.10.2012. Therefore, thereafter, no any relations are their between the deponent and applicants. The deponent submits that, thereafter, she is remarried and she has one child from said remarriage. Therefore, the deponent and its present family do not want to proceed with the criminal case i.e. FIR/Cr.No. 87/2010 registered on 10.04.2010 with Chalisgaon, Police Station for an

offence punishable under Sections 498-A, 323 r/w. 34 of Indian Penal Code against applicants.”

2] The complainant/respondent No.2 is present before this court. She has stated that with a free will and without any coercion, she has filed the affidavit stating therein that there was amicable settlement and she has remarried and now she does not want to prosecute the criminal case i.e. F.I.R./ Criminal Case No. No. 80 of 2012.

3] In view of the above and in the light of the judgment and order in the matter of *Gian Singh Vs. State of Punjab and another* reported in (2012) 10 SCC 303 and in the matter of *Dimpey Gujral w/o Vivek Gujral and others V/s Union Territory through Administrator, U.T. Chandigarh and others* reported in *AIR 2013 SC 518*, no fruitful purpose would be served by keeping the proceedings based on Crime No. 87 of 2010 pending. It would be abuse of process of law and, therefore, in order to meet the ends of justice and to avoid abuse of process of court, we are inclined to allow this application.

4] The application is allowed in terms of prayer clause (C). Rule made absolute in above terms. Application stands disposed of.

[A.M. BADAR]
JUDGE

[S.S. SHINDE]
JUDGE.

grt/-