

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

CRIMINAL APPLICATION NO. 3014 OF 2015

1. Madan Gangaram Kokate,
Age: 29 years, Occu: Service,
2. Gangaram Shivram Kokate,
Age: 49 years, Occu: Agriculturist,
3. Sau. Subhadra Gangaram Kokate,
Age: 42 years, Occu: Household.
4. Sopan Shivram Kokate,
Age: 47 years, Occu: Agriculturist.
5. Pradip Devram Kokate,
Age: 32 years, Occu.: Agriculturist,
All R/o Santwadi, Kashti, Taluka
Shrigonda, District Ahmednagar

...APPLICANTS
(Accused Nos. 1 to 5)

versus

1. The State of Maharashtra
Through Police Inspector,
Shrigonda Police Station,
Taluka : Shrigonda, Dist: Ahmednagar
2. Sau. Jyoti Madan Kokate,
Age: 27 years, occu.: Household,
R/o.: C/o Anantrao Tukaram Dhonde,
Near Primary Health Centre, Gangai Nagar
Ashti, Taluka Ashti, Dist. Beed.

...RESPONDENTS
(Respd. No. 2- ori. Complainant)

.....
Mr. P. B. Shirsath , Advocate for applicants
Mr. A. A. Jagatkar, APP for respondent – State
Mr. T. M. Tandale, Advocate for Respondent R/2
.....

**CORAM : S.S. SHINDE, AND
K.K. SONAWANE, JJ.**

DATED : 5th DECEMBER, 2016.

ORAL JUDGMENT :- (Per : S.S. Shinde, J.)

1. Heard learned counsel for the applicants and APP for the respondent No. 1 and learned counsel appearing for respondent No. 2
2. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.
3. Pursuant to notice, respondent No. 2 has caused her appearance through Advocate. A compromise *pursis* is filed by applicant No. 1 and respondent No. 2 and the same is verified before the learned Registrar (Judicial) of this court. It appears that applicant No. 1 - husband and respondent No. 2 - wife have produced their identity proof before the learned Registrar (Judicial). Applicant No. 1 and respondent No. 2 have admitted the contents of the compromise *pursis* as true and correct and their respective signatures on it. Applicant No. 1 and respondent No. 2 are identified by their respective learned counsel appearing on their behalf.
4. Upon perusal of the documents placed on record it clearly emerges that, applicant No. 1 and respondent No. 2 with intervention of relatives and friends decided to amicable settled their dispute, pursuant to said settlement, applicant No. 1 has paid Rs.5,50,000/- to respondent No. 2 towards permanent alimony during the pendency of proceedings under section 13B of the Hindu Marriage Act, 1955 bearing Hindu Marriage Petition No. 41 of 2016 before the Civil Judge, Senior Division, Shrigonda, and accordingly the decree of divorce to that effect has been passed by the learned Civil Judge, Senior Division, Shrigonda vide order dated 26-09-2016. The parties have entered into settlement

without any coercion and therefore there is no reason to keep the present application pending.

5. In light of the discussion herein-above and keeping in view the exposition of law in the case of ***Gian Singh Vs State of Punjab and another*** reported in ***(2012) 10 SCC 303***, further continuation of investigation and proceeding based upon crime No. I-118 of 2015 registered with Shrigonda Police Station for the offence punishable under section 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code would be abuse of process of law and wastage of time of the prosecution agency and the Court. Hence, the application is allowed in terms of prayer clause "B", which reads as under:-

(B) Quash and set aside the FIR bearing Crime No. I -118/2015 registered at Shrigonda Police Station, Taluka Shrigonda, District Ahmednagar u/s. 498-A, 323, 504, 506 r.w. 34 of the Indian Penal Code, 1860 against the applicants and for that purpose issue necessary order or directions.

6. Criminal Application is allowed in above terms. Rule is made absolute accordingly. There shall be no order as to costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]