

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

CRIMINAL APPLICATION NO. 5830 OF 2016

1. Gulab Chand Sayyed,
Age: 50 years, Occu: Labour,
2. Ruksana Gulab Sayyed,
Age: 45 years, Occu: Household,
3. Javed Gulab Sayyed,
Age: 30 years, Occu: Labour,
4. Ajim Gulab Sayyed,
Age: 21 years, Occu: Labour,
5. Nasrin Javed Sayyed,
Age: 25 years, Occu.: Household,
All R/o Bori, Tq. Ambad, Dist. Jalna
6. Shahinbi Sadik Pathan
Age- 20 yeas, Occu. Household,
R/o Dhakalgaon, Ta. Ambad
Dist. Jalna, at present at Bori,
Tq. Ambad, Dist. Jalna.

...APPLICANTS
(Ori. Accused)

versus

1. The State of Maharashtra
Through Police Inspector,
Gondi Police Station, Gondi,
Tq. Ambad, Dist. Jalna.
2. Reshma W/o Nazim Sayyed,
Age: 20 years, Occu.: Household,
R/o.: House No 382/2, Ambad,
Dist. Jalna (at present C/o Inayatkha
Hamidkha Pathan, R/o Dhakalgaon,
Tq. Ambad, Dist. Jalna)

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

WITH
CRIMINAL APPLICATION NO. 6351 OF 2016

Nazim S/o Gulab Sayyed,
Age: 22 years, Occu: Business,
R/o Bori, Tq. Ambad, Dist. Jalna,
at present: Ganpati Galli,
Near Maharashtra Dwar, Ambad,
Dist. Jalna.

...APPLICANT
(Ori. Accused)

versus

1. The State of Maharashtra
Through Police Inspector,
Gondi Police Station, Gondi,
Tq. Ambad, Dist. Jalna.

2. Reshma W/o Nazim Sayyed,
Age: 20 years, occu.: Household,
R/o.: House No 382/2, Ambad,
Dist. Jalna (at present C/o Inayatkha
Hamidkha Pathan, R/o Dhakalgaon,
Tq. Ambad, Dist. Jalna)

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

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Mr. Deepak K. Rajput, Advocate for applicants
Mr. B.V. Virdhe, APP for respondent No. 1 – State
Mr. U.S. Undre, Advocate for Respondent No. 2 -Ori. Complainant

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

DATED : 9th DECEMBER, 2016.

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

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

2. Pursuant to notice, respondent No. 2 has caused her appearance through Advocate Mr. Undre. As the parties to the proceedings are

ready to settle the dispute amicably, therefore, they were referred to mediation process. Mediation is successful, inasmuch as applicant Nazim Gulab Sayyed - husband (in Criminal Application No. 6351 of 2016) and respondent No. 2 - Reshma W/o Nazim Sayyed - wife and also other applicants (in Criminal Application No. 5830 of 2016) decided to set at rest controversy/dispute by way of amicable settlement. Applicant - Nazim Gulab Sayyed and respondent No. 2 - Reshma have filed compromise pursis and the same is verified before the learned Registrar (Judicial) of this Court. It appears that applicant - Nazim Gulab Sayyed and respondent No. 2 - Reshma have produced their identity proof before the learned Registrar (Judicial). Applicant - Nazim Gulab Sayyed and respondent No. 2 - Reshma have admitted the contents of the compromise *pursis* as true and correct and their respective signatures on it. Applicant - Nazim Gulab Sayyed and respondent No. 2 Reshma are identified by their respective learned counsel appearing on their behalf.

3. The applicant - Nazim Gulab Sayyed and respondent No. 2 - Reshma are present in the Court Hall. On interacting with them, they have stated that compromise between the parties is their voluntary act and without any coercion. The applicant - Nazim Gulab Sayyed and respondent No. 2 - Reshma are residing together since last three months, after they were separated earlier. The parties have entered into settlement without any coercion, and therefore, there is no reason to keep the present applications pending.

4. 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. 340 of 2016 registered with Gondi Police Station, Gondi, Tq. Ambad, Dist. Jalna for the offence punishable under sections 498-A, 323, 504 and 506 read with section 34 of the Indian Penal Code and under section 3 and 4 of Dowry Prohibition Act, would be abuse of process of law and wastage of time of the prosecution agency and the Court.

5. In that view of the matter, we are of the opinion that present applications deserve to be allowed. The Criminal Applications are therefore allowed in terms of prayer clause "B".

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

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK