

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

CRIMINAL APPLICATION NO.6453 OF 2016

1. Roshan s/o. Ramesh Jajoo,
Age 33 Years, Occ. Chartered
Accountant, R/o. Flat No.15,
Saideo Society, Gangapur Road,
Nashik, Tal. & Dist. Nashik.
2. Ramesh s/o. Ramnath Jajoo,
Age 69 years, Occu.
R/o. as above.
3. Asha w/o. Ramesh Jajoo,
Age 63 years, Occ. Household,
R/o. as above.
4. Bhushan s/o. Ramesh Jajoo,
Age 39 years, Occu. Salaried,
R/o. 27, Shree Ramchandra
Samiti Housing Society,
Sharanpur Road, Near Telephone
Office, Nashik.
5. Swati Bhushan Jajoo,
Age 35 years, Occ. Household,
R/o. as above.
6. Suvarna w/o Vivek Rathi,
Age 41 years, Occ. Household,
R/o. Flat No.103, Divine Shelter,
Thatte Nagar, Nashik. **APPLICANTS**

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Police Station, MIDC, Waluj,
Aurangabad.

2. Sau. Dipali w/o. Roshan Jajoo,
[Dipali d/o. Dilipkumar Malani,
Age 28 years, Occ. Household,
R/o. at present residing at RL 93,
Bajajnagar, MIDC Waluj,
Tal. & Dist. Aurangabad. **RESPONDENTS**

...

Mr.Nitin T. Tribhuvan, Advocate for the applicants

Mrs. R.S.Kulkarni, Advocate for respondent no.2.

Mr.S.R.Yadav Lonikar, APP for Respondent – State

...

WITH

CRIMINAL APPLICATION NO.6596 OF 2016

IN

CRIMINAL APPLICATION NO.6453 OF 2016

Dipali Roshan Jajoo
@ Dipali d/o. Dilipkumar Malani
Age: 28 years, Occu. Household,
R/o. At present residing at RL 93,
Bajajnagar, MIDC, Waluj,
Taluka & District Aurangabad **APPLICANTS**

VERSUS

1. Roshan Ramesh Jajoo,
Age 32 Years, Occu.Self Employed,
R/o. Flat No.15, Saideo Society,
Gangapur Road, Nashik,
Taluka and District Nashik.
2. Ramesh s/o. Ramnath Jajoo,
Age 69 years, Occu. Self Employed,
3. Asha w/o. Ramesh Jajoo,
Age 52 years, Occu. Household,

4. Bhushan Ramesh Jajoo
Age 39 years, Occu. Service
5. Swati Bhushan Jajoo,
Age 35 years, Occ. House wife
R/o. Shree Ramchandra Sumiti Housing
Society, Sharanpur Road, Near Telephone
Office, Nashik.
6. Suvarna Vivek Rathi
Age 41 years, Occ. House wife,
R/o. Flat No.103, Divine Shelter,
Thatte Nagar, Nashik
7. State of Maharashtra
Through Investigating Officer
of Waluj MIDC Police Station,
Waluj, Aurangabad.

RESPONDENTS

...

Mrs. R.S.Kulkarni, Advocate for applicant
Mr.Nitin T. Tribhuvan, Advocate for the
respondent nos. 1 to 6.
Mr.S.R.Yadav Lonikar, APP for Respondent –
State

...

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

Date: 08.12.2016

PER COURT:

1. Heard the learned counsel appearing
for the applicants, learned APP appearing for
the respondent – State and the learned
counsel appearing for respondent no.2.

2. In the morning session, this Court passed the following order:

The learned counsel appearing for the applicants and Respondent no.2 submit that, the parties have settled the dispute and on the basis of the said settlement even the decree of dissolution of marriage is passed by the Competent Court. They further submit that in view of the said settlement, the Respondent no.2 does not want to proceed with the F.I.R. bearing C.R. No. 559 of 2015 registered with Police Station, M.I.D.C. Waluj, Aurangabad under Sections 498-A, 315, 323, 107, 109, 504, 506, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. The applicant no.1 and respondent no.2 to file the terms of settlement duly verified before the learned Registrar (Judicial) of this Court during the morning session.

The learned Registrar (Judicial) to prepare the report and submit the same before this Court at 2.30 p.m.

3. Pursuant to the said order, applicant no.1 and respondent no.2 appeared before the learned Registrar (Judicial) and the learned Registrar (Judicial) has submitted report. On perusal of the said report, it appears that applicant no.1 and respondent no.2 produced the proof of identity. The parties are identified by the learned Advocates appearing for them. It is stated in the said report that, the parties have settled the terms of settlement / compromise with free wish and will, without there being any pressure of whatsoever nature. The said report is accompanied with the terms of compromise. The said report along with copies of identity proof and terms of compromise is taken on record. The terms of compromise annexed with

the said report are marked 'X' for identification purpose.

4. The applicants and respondent no.2 are present. On interacting, applicant no.1 and respondent no.2 stated that, the terms of compromise have been arrived at between the parties with free will and without any coercion or pressure.

5. The learned counsel appearing for the applicants, on instructions, submits that applicant no.1 has already deposited an amount of Rs.30,00,000/- [Rupees Thirty lacs only] in the registry and the applicants have no objection for withdrawing the said amount by respondent no.2.

6. Upon perusal of the averments in the application, annexures thereto and the terms of compromise, we are of the opinion that, the further continuation of the investigation on the basis of the F.I.R. bearing Crime

No.559/2015 registered with MIDC Waluj Police Station, Aurangabad, for the offences punishable under Sections 498-A, 315, 323, 107, 109, 504, 506, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act would be abuse of process of law and exercise in futility.

The learned counsel appearing for the applicants, on instructions, has already submitted that the applicants have no objection for withdrawal of the amount by respondent no.2. In that view of the matter, respondent no.2 is permitted to withdraw the amount of Rs.30,00,000/- [Rupees Thirty lacs only] and the interest accrued thereon.

7. In the light of the discussion in the foregoing paragraphs, keeping in view the exposition of law in the case of **Gian Singh Vs. State of Punjab and another**¹ the F.I.R. bearing Crime No.559/2015 registered with

¹ 2012 [4] Bom.C.R. [Cri.] 428

MIDC Waluj Police Station, Aurangabad, for the offences punishable under Sections 498-A, 315, 323, 107, 109, 504, 506, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act is quashed and set aside.

8. The Criminal Application No.6596 of 2016 is allowed in terms of prayer clause-B.

9. Both Criminal Applications stand disposed of in above terms.

Sd/-

[K.K.SONAWANE]
JUDGE

Sd/-

[S.S.SHINDE]
JUDGE