

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

CRIMINAL APPLICATION NO.103 OF 2017

1. Rohini Dyneshwar Jadhav,
Age: 25 years, Occ. Household,
R/o.B-35/5, Sainagar Cidco,
Waluj MIDC, Aurangabad.
2. Dyneshwar Ashok Jadhav,
Age: 30 years, Occ. Service,
R/o.C-59/9, Sangrsha Nagar
N-2, CIDCO, Ram nagar,
Mukundwadi, Aurangabad.
3. Ashok Karbhari Jadhav,
Age: 52 years, Occ. retired
R/o.same as above.
4. Bhimabai Ashok Jadhav
Age: 47 years, Occ. Household,
R/o.same as above. **APPLICANTS**

VERSUS

1. The State of Maharashtra. **RESPONDENT**

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Mr.Vishal A. Bagdiya, Advocate for the
applicants
Ms.P.V.Diggikar, APP for Respondent – State

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

Date: 28.02.2017

ORDER:

1] Heard.

2] Rule. Rule made returnable forthwith, and heard finally with the consent of the parties.

3] This Application is filed with the following prayer:

B) The F.I.R. bearing Crime No.519 of 2015 registered at Mukundwadi police Station at Aurangabad and the consequential proceeding RCC no. 1117 of 2016 pending before JMFC, Aurangabad may please be quashed, u/s 498 (A), 323, 504 r/w 34 of IPC & 3 & 4 of Dowry Prohibition Act.

4] Pursuant to the notice issued to the respondent, affidavits of terms of settlement are filed by applicant nos.1 and 2. Applicant nos.1 and 2 were present before this Court on 01.02.2017. On interacting with them, they stated that it was their voluntary act to enter into compromise and filed affidavits of terms of settlement, those

terms were verified before the Registrar [Judicial].

5] The learned counsel appearing for the applicants tendered across the bar copy of the judgment and decree passed by the Family Court, Aurangabad in Case No.A-482/2015, dated 15th February, 2017. The same is taken on record and marked as 'X' for identification. By the said judgment and order, the marriage between Rohini and Dnyaneshwar stands dissolved and decree of divorce is passed. The learned counsel also tendered across the bar copy of the statement of Dnyaneshwar Ashok Jadhav and submits that, during his examination in chief, he stated that, he has agreed to bear all the educational expenses of the daughter though not mentioned in the consent terms. The statement of Dnyaneshwar Ashok Jadhav is taken on record and marked as 'XI' for identification.

6] Since the affidavits of terms of settlement are placed on record and also copy of the judgment and order dated 15th February, 2017, and also statement of Dnyaneshwar Ashok Jadhav, in our opinion, no fruitful purpose will be served by continuing further investigation of Crime No.519/2015 registered at Mukundwadi Police Station, Aurangabad and consequential proceedings i.e. Regular Criminal Case No. 1117 of 2016, pending before the Judicial Magistrate First Class, Aurangabad. Therefore, keeping in view the exposition of law by the Supreme Court in the case of **Gian Singh Vs.State of Punjab and another¹**, in order to secure ends of justice and to prevent further abuse of process of law, we are inclined to allow this Application in terms of prayer clause-B.

7] The rule is made absolute on above terms. Criminal Application is allowed in

1. 2012 (10) SCC 303

terms of prayer clause-B and the same stands disposed of accordingly.

[K . K . SONAWANE]
JUDGE

[S . S . SHINDE]
JUDGE

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