

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

CRIMINAL WRIT PETITION NO. 641 OF 2017

Ajitkumar s/o Haribhau More
and ors.

.. Petitioners

Versus

The State of Maharashtra and anr.

.. Respondents

Mr A.V. Aghav, Advocate for petitioners
Mr M.M. Nerlikar, APP for respondent no.1
Mrs S.M. Zawre, Advocate for respondent no.2

**CORAM : S.S. SHINDE AND
A.M. DHAVAL, JJ**

DATE : 18.12.2017

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

1. Rule. Rule made returnable forthwith. With the consent of learned Counsel for the parties, heard finally at admission stage.
2. Respondent no.2 is present. She stated that she had already requested to earlier Advocate Mrs N.S. Choudhary to withdraw her appearance and thereafter engaged Advocate. In that view of the matter, appearance of Advocate Mrs N.S. Choudhary is discharged.
3. Learned Counsel appearing for the petitioners and respondent no.2 submit that parties have compromised the matter before the Civil Judge, Senior Division, Ahmednagar. The respondent no.2 has filed affidavit. It is stated in the affidavit that in view of the compromise deed, the petitioner no.1 and respondent no.2 filed the petition for divorce by consent under Section 13(B) of the Hindu Marriage Act, 1955 in the Court of Civil Judge, Senior Division, Ahmednagar and the said proceedings i.e. Hindu Marriage Petition

No.260/2017 (Ajitkumar Haribhau More Vs. Shital Ajitkumar More) has been disposed of and, therefore, the proceedings of R.C.C. No.98/2016 (State Vs. Ajitkumar) pending before the learned Judicial Magistrate, First Class, Rahuri arising out of C.R. No.429/2015 under Sections 498-A, 323, 504, 506 of the Indian Penal Code be quashed.

4. Respondent no.2 is present before the Court. She stated that she voluntarily filed such affidavit and prays for quashing the proceedings of R.C.C.No.98/2016.

5. Keeping in view decision of Supreme Court in Gian Sing Vs. State of Hariyana, so as to secure ends of justice and further abuse of process of Court, the petition deserves to be allowed thereby quashing pending proceedings bearing R.C.C.No.98/2016. No fruitful purpose will be served by keeping those proceedings pending, since respondent no.2 is not going to support the allegations and chances of conviction would be bleak.

6. In that view of the matter, Writ Petition stands allowed in terms of prayer clause (B).

7. Rule made absolute in above terms.

(A.M. DHAVAL, J.)

(S.S. SHINDE, J.)

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