

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 670 OF 2016

1. Ashish Suresh Patil,  
Age 28 years, Occ. Business,

2. Suresh Ramrao Patil  
Age 62 years, Occ. Business,

3. Usha Suresh Patil  
Age 55 years, Occ. Household

All R/o Nirmal Pipe, Plot No.G-7,  
MIDC Jalgaon, Taluka and Dist.  
Jalgaon.

4. Vaishali Avinash Patil  
Age 34 years, Occ. Household,  
r/o Sonale, Post Paladhi,  
Tq. Jamner, Dist. Jalgaon.

..Petitioners

Versus

1. The State of Maharashtra  
Through Cidco Police Station,  
Aurangabad.

2. Mayuri Ashish Patil,  
Age 23 years, Occ. Household,  
R/o C/o Mahesh Shaligram Patil,  
Sudarshan Nagar, Plot No.28,  
N-11, Hudco, Aurangabad.

..Respondents

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Advocate for Petitioners : Shri Deshmukh Bhausaheb S  
APP for Respondent 1 : Shri Borade P.G.  
Advocate for Respondent 2 : Shri Shejwal A.S.

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CORAM : S.S. SHINDE & K. K. SONAWANE, JJ.  
Dated: May 02, 2017  
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ORAL JUDGMENT: (PER S.S.SHINDE,J.):-

1. Heard learned Advocates for the respective parties.

2. Rule.

3. By consent, Rule is made returnable forthwith and the petition is taken up for final disposal.

4. Pursuant to the statement made before this Court on 15.3.2017, petitioner No.1 and respondent No.2 have filed the affidavit reiterating therein the terms of settlement, agreed between them before the Mediator. Petitioner No.1 and respondent No.2 are personally present in the Court.

5. On interacting with respondent No.2, she has stated that it is her voluntary act to enter into the compromise on the terms which are stated in the affidavit and which are duly verified before the learned Registrar (Judicial) of this Court. It is stated that as agreed between the parties, she has received back the golden ornaments. On interacting with petitioner No.1, he states that the golden ornaments are returned to him. He also assures that he will abide by the terms and conditions.

6. It appears that it is the voluntary act of respondent No.2 and petitioner No.1 to enter into the settlement and bring resolution to the dispute. They have already initiated the proceedings before the Family Court at Aurangabad for divorce with mutual consent.

7. In this view of the matter and further keeping in view the decision of the Honourable Supreme Court in the matter of Gian Singh Vs. State of Punjab and another [ (2012) 10 SCC 303], in order to prevent the abuse of process of law and to secure the ends of justice, we are inclined to allow this petition.

8. In the result, the Petition is allowed in terms of prayer clause (B). First information report No. 259/2016 dated 19.4.2016, registered at Cidco Police Station, Aurangabad for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code is quashed and set aside.

9. Rule is made absolute accordingly.

( K. K. SONAWANE, J. )

( S.S. SHINDE, J. )

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