

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 3465 OF 2016**

1. Ashok S/o Popat Thorve
Age : 27 years, Occ : Agriculture,
2. Popat S/o Balaji Thorve
Age : 58 years, Occ : Agriculture,

3. Rakhmabai Popat Thorve
Age : 50 years, Occ : Household,

All R/o Solapurwadi, Tq. Ashti,
Dist. Beed.

4. Savita Rajendra Takle
Age : 23 years, Occ : Household,
5. Rajendra S/o Dadasaheb Takle
Age : 29 years, Occ : Agriculture,

Nos. 4 and 5 R/o Guravpimpri,
Tq. Karjat, Dist. Ahmednagar

At present Pundalik Nagar,
Aurangabad.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Sunita Ashok Thorve
Age : 22 years, Occ : Household,
R/o Solapurwadi, Tq. Ashti,
Dist. Beed.

..RESPONDENT

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Advocate for Applicants : Mr. Satej S. Jadhav
APP for Respondent/State : Mr. S.P. Deshmukh
Advocate for respondent no.2 : Mr.M.S. Shaikh

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CORAM : S.S. SHINDE & K.K. SONAWANE, JJ.
Dated: February 28, 2017
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PER COURT :-

Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel appearing for the parties.

2. Pursuant to the notices issued to the respondents, respondent no. 2 has caused the appearance through learned counsel Mr. M.S. Shaikh. The applicants and respondent no.2 have filed the joint compromise pursis. In the said joint compromise pursis, it is stated that, the applicants and respondent no.2 have reached to the conclusion that, the marriage between applicant no.1 and respondent no.2 has come to the point of irretrievable break down. Therefore, applicant no.1 and respondent no.2 have decided to adopt the policy of forget and forgive by ignoring the minor incidence and have filed the proceedings bearing Hindu Marriage Petition No. 32 of 2017 under

Section 13(B) of the Hindu Marriage Act, 1955, praying therein for decree of divorce with mutual consent. During the course of hearing, the learned counsel appearing for the applicants has invited our attention to the averments in the Hindu Marriage Petition, which is pending consideration before the concerned Court, and submits that, applicant no.1 and respondent no.2 have decided to seek divorce with mutual consent.

3. Respondent no.2 has no objection to quash the First Information Report. On interacting with respondent no.2, she stated that, it is her voluntary act to enter into compromise and to file the Petition for divorce with mutual consent.

4. The applicants are also present and on interacting with applicant no.1, he stated that, the applicants will abide by the statements made in the said Hindu Marriage Petition pending before the concerned Court for divorce with mutual consent.

5. In the light of the discussion in foregoing paragraphs, no fruitful purpose would be served by continuing further

investigation of Crime No.15 of 2016 registered with Ambhora Police Station, Tq. Ashti, Dist. Beed under sections 498-A, 451, 323, 504, 506 read with 34 of the Indian Penal Code, which would be exercise in futility and abuse of process of law. Therefore, keeping in view the exposition of law by the Supreme Court in the case of ***Gian Singh Vs. State of Punjab and another***¹ so as to secure the ends of justice and to prevent abuse of process of law, we are inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause `B' and the same stands disposed of. Rule made absolute accordingly.

(K.K. SONAWANE, J.)

(S.S. SHINDE, J.)

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