

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

CRIMINAL APPLICATION NO. 5219 OF 2016

1. Dr. Amit Chudaman Patil,
Age; 39 years, occupation : Doctor,
2. Chudaman Pundlik Patil,
Age: 65 years, Occupation: Pensioner,
3. Ashabai Chudaman Patil,
Age: 60 years, Occupation: Housewife,
4. Sameer Chudaman Patil,
Age: 37 years, Occupation : Pensioner,

All R/o Plot No. 31-A, Tulshiram Nagar,
Deopur, Dhule.

...APPLICANTS

versus

1. The State of Maharashtra
2. Deepawali W/o Amit Patil,
Age: 31 years, Occupation: Service,
R/o :Kalpana Nagar, Shahada,
Ta. Shahada, District Nandurbar.
Mobile No. 9421529699

...RESPONDENTS

....

Mr. Joydeep Chattarji, Advocate for applicants
Mr. M.M. Nerlikar, APP for Respondent State
Mr. A.B. Kale, Advocate for respondent No. 2

....

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

DATED : 21st FEBRUARY, 2017.

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

1. Heard learned counsel for the applicants and APP for the respondent No. 1 and learned counsel appearing for respondent

No. 2.

2. Rule. Rule made returnable forthwith. Heard finally, with the consent of parties.

3. The learned counsel appearing for the applicants has tendered across the Bar a copy of decree dated 22-12-2016 passed by the learned 3rd Joint Civil Judge, Senior Division, Dhule in Hindu Marriage Petition No. 171 of 2016. The same is taken on record and marked as "X" for identification purpose.

4. Pursuant to notice issued to respondents, terms of settlement are filed by applicant No. 1 and respondent No. 2 duly verified before the Registrar (Judicial) of this Court. The parties are identified by their respective learned Counsel. The parties have placed on record their identity proof.

5. We have interacted with applicant No. 1 and respondent No. 2, who are present in the Court. Applicant No. 1 and respondent No. 2 have stated that they are voluntarily entered into the compromise. It is stated in the compromise *pursis* that with the intervention of relatives and friends they have decided to settled their dispute amicably and accordingly they have filed compromise *pursis* on record. It appears that decree of divorce by mutual consent is also passed by 3rd joint Civil Judge, Senior Division, Dhule. In that view of the matter, no fruitful purpose

would be served in case the proceeding on the basis of crime bearing No. 17 of 2016 registered with Deopur West Police Station, Dhule for the offence punishable under sections 498-A, 323, 313, 504 and 506 read with section 34 of the Indian Penal Code is allowed to be continued.

6. So far as allegation about termination of pregnancy is concerned, during the course of investigation no any incriminating material is found. Therefore, alleged offence under section 313 of the Indian Penal Code is not disclosed.

7. In light of the discussion herein-above and keeping in view the exposition of law in the case of ***Gian Singh Vs State of Punjab and another*** reported in ***(2012) 10 SCC 303***, we are inclined to allow this application. Accordingly, application is allowed in terms of prayer Clause "B", which reads as under.

"[B] The FIR - Crime No. 17/2016 dated 30-01-2016 registered at Deopur West Police Station, Dhule (Exh.A) under sections 498[A], 323, 313, 504, 506 r/w 34 of the Indian Penal Code & all criminal proceedings arising therefrom may kindly be quashed & set aside."

7. Criminal Application is allowed in above terms. Rule is made absolute accordingly. There shall be no order as to costs.

Sd/-
[**K. K. SONAWANE, J.**]

Sd/-
[**S.S. SHINDE, J.**]

MTK