

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

CRIMINAL APPLICATION NO. 5357 OF 2016

1. Jayshankar Gajendra Giri
Age : 26 years, Occu. Service
R/o Umbargaon Road, Sanjan,
Tq. Umbargaon, Dist. Walsad,
(Gujrat State)
 2. Gajendra Dattubuva Giri
Age : 65 years, Occu. Agriculture,
R/o : Kanadi Road, Kaij, Tq. Kaij,
Dist. Beed.
 3. Chandrakala W/o Gajendra Giri
Age : 60 years, Occu. Household,
R/o Kanadi Road, Kaij, Tq. Kaij,
Dist. Beed
 4. Ganesh S/o Gajendra Giri
Age : 30 years, Occu. Agriculture
R/o : Kanadi Road, Kaij,
Tq. Kaij, Dist. Beed.
 5. Meena W/o Ganesh Giri,
Age : 26 years, Occu. Household,
R/o Kanadi Road, Kaij,
Tq. Kaij, Dist. Beed.
 6. Ishwari W/o Sachin Giri,
Age : 35 years, Occu. Service,
R/o Pimpri-Shiradhon,
Tq. Kalam, Dist. Osmanabad. ...APPLICANTS
- versus
1. The State of Maharashtra
Through Police Station Bardapur,
Dist. Beed.

2. Pranita Jayshankar Giri @
Pranita Prakash Giri
Age : 24 years, Occu. Household,
R/o Ujani, Tq. Ambajogai,
Dist. Beed.

...RESPONDENTS

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Mr. Sudarshan J. Salunke, Advocate for applicants
Mr. S.Y. Mahajan, APP for Respondent No. 1
Mr. Umakant B. Deshmukh, Advocate holding for
Mr. S.A. Ambad, Advocate for respondent No. 2

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

DATED : 28th APRIL, 2017.

JUDGMENT : (Per : S.S. SHINDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally, by consent of parties.
2. This Court on 18th November, 2016 and 20th February, 2017 passed following orders:

ORDER
(18-11-2016)

1] As per the order passed in the morning, the matter is taken up for hearing at 2.30. p.m. Learned counsel for the applicant has tendered across the bar the "Terms of Settlement" signed by the applicant No.1 and respondent No.2 duly verified before the Registrar (Judicial). Same is taken on record and marked "X" for the purpose of identification. Parties are present in the Court and are identified by their respective advocates.

2] *It is stated in the Terms of Settlement that with the intervention of the elderly persons, the applicant No.1 and respondent No.2 have set at rest the dispute and decided to resume cohabitation in their matrimonial house.*

3] *On interacting with the applicant No.1 and respondent No. 2, they have stated that they have voluntarily agreed to cohabit together without any coercion.*

4] *It is true that the applicant No.1 and respondent No.2 have filed the terms of settlement and respondent No.2 has agreed for quashing of the FIR, however, in our opinion, it would be in the interest of justice to wait for another 3 months to dispose of this application, on the basis of the "Terms of Settlement" filed today before this court.*

5] *In view of the Terms of Settlement, the applicant No.1 has stated that he would take respondent No.2 to the matrimonial house from today. In the light of the above, hearing of this application is deferred by 3 months.*

6] *S.O. to 20th February, 2017. Till then, ad-interim relief in terms of prayer clause (E).*

7] *The applicant No.1 and respondent No.2 are at liberty to file appropriate application before the JMFC, Ambajogai, for postponing the hearing of Misc. Criminal application NO. 211 of 2016 and Criminal application No. 212 of 2016 pending before the said Court. In case such application is*

filed by the parties, the concerned Court, keeping in view the order pass today by this Court, defer the hearing of those matters, till 25.2.2017 and will post those applications for hearing on 27.2.2017.

8] Parties to act upon authenticated copy of this order.

ORDER
(20-02-2017)

1. Heard learned counsel appearing for the parties. Applicant No.1 and Respondent No.2 are present. On interacting with them, they stated that, from last three months they are residing together happily. Terms of settlement are placed on record, duly signed and verified by Applicant No.1 and Respondent No.2.

2. In our opinion, hearing of this Application deserves to be deferred for eight weeks so as to view the conduct of the parties. In that view of the matter, with the consent of the parties, list on 28th April 2017, for final disposal.

3. Till next date of hearing, ad-interim relief in terms of prayer clause (E) to the Petition shall remain in force.

3. Today, we have interacted with applicant No. 1 and respondent No. 2. They have stated that they are happily residing together and applicant No. 1 assures this Court that he will treat and keep respondent No. 2 properly and happy.

4. For the reasons which are already recorded in orders dated 18th November, 2016 and 20th February, 2017 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***, continuation of further proceedings would be abuse of process of Court. In that view of the matter, we deem it appropriate to allow the application. Accordingly, we allow the application in terms of prayer clauses "B, C and D". Rule is made absolute accordingly.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK