

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1309 OF 2017

- 1) Shri Ravindra Ambar Indis,
Age-27 years, Occu:Agriculture,
- 2) Shri Ambar Bhaga Indis,
Age-59 years, Occu:Agriculture,
- 3) Sau. Latabai Ambar Indis,
Age-53 years, Occu:Household,
- 4) Shri Vinod Ambar Indis,
Age-30 years, Occu:Advocate,
- 5) Shri Subhash Pundlik Indis,
Age-37 years, Occu:Labour,
- 6) Shri Gokul Bhaidas Indis,
Age-26 years, Occu:Agriculture,

All Residents of: At Village Indave,
Tq-Sakri, Dist-Dhule.

...PETITIONERS

VERSUS

- 1) Sau. Yogita Ravindra Indis,
Age-20 years, Occu:Household,
Resident of: At Mohida,
Tq-Shahada, Dist-Nandurbar,
- 2) The State of Maharashtra,
Through Office In-charge,
Shahada Police Station,
Nandurbar, Dist-Nandurbar.

...RESPONDENTS

...
Mr. Mukul S. Kulkarni Advocate for
Petitioners.
Mr. Amol S. Sawant Advocate for Respondent
No.1.
Mr. A.R. Borulkar, A.P.P. for Respondent No.2.
...

**CORAM: S.S. SHINDE AND
MANGESH S. PATIL, JJ.**

DATE : 5TH OCTOBER, 2017

ORAL JUDGMENT [PER S.S. SHINDE, J.] :

1. Pursuant to the notices issued to the Respondents, Mr. Amol S. Sawant, learned counsel appears for Respondent No.1 and learned A.P.P. has caused appearance for Respondent No.2. Mr. Sawant, learned counsel has tendered across the Bar affidavit in reply on behalf of Respondent No.1.

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

3. Applicant Nos.1 and 4 and also Respondent

No.1 are present in the Court Hall and they are identified by their respective counsel. On specific interaction with Respondent No.1, she stated that compromise has been arrived between the Applicants and herself with the intervention of elderly persons. Applicant No.1 and Respondent No.1 have already instituted the proceedings for divorce by mutual consent. Applicant No.1 agreed to pay Rs.70,000/-. Accordingly, Rs.35,000/- have been paid by cheque and it is agreed that remaining amount of Rs.35,000/- will be given to Respondent No.1 at the time of conclusion of the proceedings of H.M.P. No.44 of 2017.

4. Since the parties have arrived at compromise/settlement and already Applicant No.1 and Respondent No.1 have instituted the proceedings of H.M.P. No.44 of 2017 for divorce with mutual consent and also agreed for settlement as averred in the reply of Respondent No.1, and said compromise/ settlement is with free will and without any coercion, therefore no fruitful

purpose would be served by further investigation of First Information Report bearing Crime No.231 of 2017 registered with Shahada Police Station, Dist-Nandurbar, and continuation of proceedings arising out of said First Information Report.

5. The Supreme Court in the case of Gian Singh V/s. State of Punjab and another¹ has held that, the High Court can exercise jurisdiction under Section 482 of the Criminal Procedure Code by accepting the settlement to secure ends of justice and to avoid abuse of process of law.

6. As stated above, no fruitful purpose would be served by continuing the further investigation/proceedings arising out of Crime No.231 of 2017 registered with Shahada Police Station, Dist-Nandurbar, and it will amount to abuse of process of law/Court and exercise in futility.

¹ 2012 (10) SCC Page 303

7. In that view of the matter, the Writ Petition deserves to be allowed. Accordingly, the Writ Petition is allowed. Rule made absolute in terms of prayer clause "A". Writ Petition stands disposed of, accordingly.

[MANGESH S. PATIL, J.]

asb/OCT17

[S.S. SHINDE, J.]