

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5814 OF 2016

1. Rahul Ratnakar Jain (Watpade),
Age 32 years, Occ. Temporary Private
Employment, Residing at Chikalthana,
Besides Sachin Medical, Aurangabad.

2. Ratnakar Baburao Jain (Watpade),
Age 59 years, Occupation Nil,
Residing at N-9, M-2, 121/3,
Near Jain Temple, Cidco, Aurangabad.

3. Chalnabai Ratnakar Jain (Watpade),
Age 55 years, Occupation Household,
Residing as above.

4. Mrs. Rupali Jaydeep Purwat,
Age 35 years, Occupation Household
Residing at above address and presently
staying at Pune at her matrimonial home.

..Applicants

Versus

1. The State of Maharashtra,
Through the Commissioner of Police,
Aurangabad.

2. The Police Station Officer,
Cidco N-7, Police Station,
Aurangabad.

3. Naina Rahul Vatpade Jain,
Age 27 years, Occ. Household,
Residing at Ravindra Ramchandra
Rudhraksh, at Routwadi, Chikhli,
Tq. Chikhli, Dist. Buldhana.

..Respondents

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Advocate for Applicants : Shri Surve Hemant
APP for Respondents 1 & 2 : Shri Salgare S.J.
Advocate for Respondent 3 : Shri Dube N.P.

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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 counsel for the respective parties.
2. Rule.
3. By consent, Rule is made returnable forthwith and the application is taken up for final disposal.
4. Applicant No.1 and respondent No.3, through mediation process, arrived at amicable settlement and to that effect, terms of settlement were finalized before the Mediator Applicant No.1 and respondent No.3. have verified those terms of settlement before the learned Registrar (Judicial) of this Court. The parties are identified by the learned Advocates appearing for the applicants and respondent No.3.
5. It is stated in the said terms of compromise that applicant No.1 as well as respondent No.3 would make a joint application for grant of divorce by mutual consent. Learned counsel for applicants and respondent No.2 informs this Court that the Family Court has fixed the matter so as to record the statements of applicant No.1 and respondent No.3. There are other terms in the said compromise terms. The terms of compromise, which are placed on record, will be treated as part of the record of the present application. We need not to reiterate the same in our order.

6. Suffice it to say that we have inter acted with respondent No.3 and she has stated that it is her voluntary act with free will to enter into a settlement / compromise and verify the terms of compromise. Applicant No.1 also states that he will abide by the terms of compromise.

7. In that view of the matter and in view of 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 application.

8. Hence the application is allowed. Rule is made absolute in terms of prayer clause (B).

(K. K. SONAWANE, J.)

(S.S. SHINDE, J.)

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