

CRIMINAL WRIT PETITION NO. 1513 OF 2015

- versus

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

DATED : 3rd MAY, 2017.

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

1. Rule. Rule made returnable forthwith. Heard finally, with consent of the learned counsel appearing for the parties.

2. The learned counsel appearing for the parties have tendered across the bar compromise-terms between Petitioner No. 1-husband and respondent No. 3-wife. The same is taken on record. Petitioner No. 1 and respondent No. 3 are present in the Court Hall. They are identified by their respective counsel. Petitioner No. 1 and respondent No. 3 have admitted their respective signatures and the contents of the compromise-terms.

3. We have interacted with petitioner No. 1-husband and respondent No. 3-wife. They have stated that it is their voluntary act to enter into such compromise-terms. Respondent No. 3 has no objection to quash the proceedings bearing RCC No. 220 of 2013 pursuant to first information report Crime No. 37 of 2013 registered at Pimpalner Police Station, Ta. Sakri, District Dhule for the offence punishable under sections 498-A and 506 of the IPC.

4. We have carefully perused the terms of compromise. It appears that petitioner No.1-husband and respondent No. 3-wife are separated since 15-11-2014 by virtue of decree of divorce. In that view of matter, no fruitful purpose would be served by continuing the proceedings bearing RCC No. 220 of 2013 based upon the Crime No. 37 of 2013 registered at Pimpalner Police Station, Ta. Sakri, District Dhule for the offence punishable under sections 498-A and 506 of the IPC.

5. Considering the compromise-terms between the parties and keeping in view the exposition of law of the Supreme Court in the case of ***Gian Singh Vs State of Punjab and another*** reported in ***(2012) 10 SCC 303***, continuation of further proceeding based upon crime would be abuse of process of law and wastage of time of the prosecution agency and the Court. In that view of the matter, we deem it appropriate to allow the petition. Accordingly we allow the petition in terms of prayer clause "C". Rule is made absolute in above terms.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK