

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

CRIMINAL APPLICATION NO.440 OF 2019

Abhijeet s/o Machindra Patare,
Age 40 years, Occu. Service,
R/o Kanda Market, Ward No.6,
Shrirampur, Tq. Shrirampur,
District Ahmednagar

...APPLICANT

VERSUS

1. The State of Maharashtra
through the P.S.I.
Police Station, Shrirampur City
Tq. Shrirampur, Dist. Ahmednagar
(Copy to be served on
Public Prosecutor, Hgih Court of
Bombay, Bench at Aurangabad)

2. Usha w/o Abhijit Patare,
Age 30 years, Occu. Household,
R/o Kanda Market, Ward No.6,
Shrirampur, Tq. Shrirampur,
District Ahmednagar

...RESPONDENTS

.....
Shri V.R. Langhe, Advocate for applicant
Shri D.R. Kale, A.P.P. for respondent No.1
Shri S.S. Shinde, Advocate for respondent No.2
.....

**CORAM: S.S. SHINDE AND
R.G. AVACHAT, JJ.**

DATED : 25th February, 2019

ORAL JUDGMENT (PER S.S. SHINDE, J.):

1. Rule. Rule made returnable forthwith and taken up
for final hearing with the consent of learned counsel appearing

for the parties.

2. Pursuant to notice issued to the respondents, the respondent No.2 has filed affidavit. It is stated in the said affidavit that the applicant and respondent No.2 have amicably settled the dispute. The respondent No.2, after such amicable settlement, has again joined the company of the applicant and started peacefully cohabitation, keeping in view the future of the children to have the further peaceful life in the future.

3. The applicant and respondent No.2 are present before this Court, identified by their respective Advocates. The applicant has assured this Court that henceforth he will take care that no such alleged incident would take place in future and the applicant and respondent No.2 will lead further peaceful married life in future.

4. The respondent No.2 has also stated that, since the applicant and respondent No.2 have amicably settled the dispute and she started again residing with the applicant, she has no objection for quashing the F.I.R.

5. It appears that, the incident is arising out of the petty quarrels, as stated by respondent No.2 in her affidavit. Since the applicant and respondent No.2 have amicably settled the dispute and started residing together and have assured this Court that

they will lead peaceful married life in future, keeping in view the interest of the children, no purpose will be served by further investigation of the aforesaid crime and such further investigation or continuation of proceedings arising out of aforesaid crime would be an exercise in futility and would amount to abuse of the process of law/ Court. Therefore, keeping in view the exposition of law by the Supreme Court in the case of **Gian Singh Vs. State of Punjab & anr.** reported in **[(2012) 10 SCC 303]**, the application deserve to be allowed.

6. In the result, in the light of the discussion in foregoing paras, the application succeeds. Criminal Application is allowed in terms of prayer clause (B) and disposed of. Rule made absolute in above terms.

7. Parties to act upon authenticated copy of this order.

R.G. AVACHAT
JUDGE

S.S. SHINDE
JUDGE

fmp/