

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4027 OF 2017
(Gopal s/o Kashinath Bhise and others Vs. The State of Maharashtra and others)

Mr.Arvind Deshmukh, Advocate for the applicants.
Mr.K.S.Patil, APP for respondent No.1.
Ms.A.U.Maske, Advocate for respondent No.2 - **Absent**.

(CORAM : RAVINDRA V. GHUGE AND
B.U.DEBADWAR, JJ.)

DATE : APRIL 9, 2021

PER COURT :

1. On 01/04/2021, we had passed the following order :-

"1. The compromise terms placed on record and marked as 'X' for identification under the order of this Court dated 6.3.2020, indicate that the matrimonial discord has been settled. An amount of Rs. 4,15,000/- has been paid to respondent No.2 and the husband of respondent no.2, Govind Kashinath Bhise, has a receipt of acknowledgment, evidencing such payment.

2. This application is filed by accused Nos.4,5, 6 and 7. He further submits that the compromise terms Exh. 27 was filed before the learned Judicial Magistrate, First Class, Sailu in Protection of Women From Domestic Violence Act, 2005 Application No. 25 of 2017. They have been accepted by the trial Court and based on the same, the divorce by consent

has been granted and all proceedings between the parties, that were pendings in the various Court, have been disposed off.

3. We find that the husband is not before us though the documents(13pages) placed before us and tied loosely to the paper book, which indicate a compromise between the parties. We are therefore, marking this compilation of the documents as "X-1" collectively.

4. We also find that respondent No.2, original informant, alleged victim, was represented by Advocate Bhagure, who has unfortunately passed away during the pendency of this proceeding. Therefore, Miss. A.U Maske, learned Advocate was appointed to represent respondent No.2, by order dated 6.3.2020, and her fees were quantified at Rs. 2,000/-. We find that said amount of Rs. 2,000/- has already been paid to Miss. U.A. Maske, on 05.10.2020 and thereafter, she has stopped appearing in this matter, though this matter is yet to be disposed off. She did not remain present on 21.01.2021.

5. We find it appropriate that the compromise be verified in the presence of respondent No.2 and her husband Govind Bhise who is not party to this proceeding. We are therefore, posting this matter for passing orders on 8th April, 2021.

6. *We expect the learned Advocate for the applicant to ensure the presence of Mr. Govind Bhise either before the Court or in the office of the learned Advocate for the applicants online on the said date. So also, the learned prosecutor shall direct the Investigating Officer, Police Station, Sailu to keep respondent No.2 present before us on the said date.*

7. *Stand over to 08th April, 2021, for passing orders."*

2. On 08/04/2021, we had observed in our order as under :-

"1. *The husband of respondent no.2 is present in the Chamber of the learned Advocate for the applicants. It is stated that all matters arising out of the matrimonial discord between the husband and respondent no.2-wife, have been settled.*

2. *The learned Prosecutor submits that as it is necessary for the wife to verify the settlement before the Court, the I.O. would keep her present tomorrow at 2.30 p.m.*

3. *Stand over 9th April, 2021, at 2.30 p.m. for passing orders.*

4. *The husband need not remain present tomorrow."*

3. The learned Prosecutor informs on the basis of the instructions received from the IO that the informant/respondent No.2, former wife of Govind Bhise, has remarried and presently has proceeded for vacation with

her new husband.

4. We are also shown a copy of the affidavit filed by the informant dated 06/03/2020 wherein the terms of her settlement with the husband Govind are set out. We are also intimated that the husband has a receipt/ acknowledgment of all amounts paid to the informant. As such, the affidavit of the informant dated 06/03/2020 in Hindu Marriage Petition No.238/2019 is taken on record and marked as "X-2" for identification. We are also informed that the entire litigation arising out of the matrimonial discord between the informant and her husband Govind, has been brought to an end and cases have been disposed off.

5. In the light of the above, this application is allowed in terms of prayer clause "C" which reads as under :-

"C. That the FIR No.150/2017 dated 07/05/2017 registered at Police Station Sailu, Tq.Sailu District Parbhani u/s 498A, 494, 323, 504, 506 r/w. 34 of IPC against the applicants may kindly be quashed and set aside."

(B.U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)