



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

CRIMINAL WRIT PETITION NO. 34 OF 2013

Pankaj Manohar Wankhede and others .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri R. P. Bhumkar, Advocate for the Petitioners.

Shri K. K. Naik, A.P.P. for the Respondent No. 1.

Ms. L. R. Thakur, Advocate for the Respondent No. 2 – appointed

CORAM : SHAILESH P. BRAHME, J.

DATE : 18TH MARCH, 2025.

FINAL ORDER :

. Learned counsel for the petitioner tenders on record a pursis submitted by the respondent No. 2 before the Judicial Magistrate First Class, Bhusawal, in R.C.C. No. 50 of 2012 for withdrawing the complaint. He submits that the marriage between the petitioner No. 1 and the respondent No. 2 was dissolved by decree passed by the Family Court, Pune on 30.04.2015 in PA No. 136 of 2009. Being aggrieved, the respondent No. 2 had filed appeal before the High Court at Principal seat at Bombay, which was also dismissed. Thereafter, the respondent No. 2 contracted second marriage. There was settlement between the parties and accordingly pursis at Exhibit 29 was filed on 04.09.2024 before the Trial Court. He would submit that in view of supervening events, this petition can be

disposed of as the controversy between the parties has come to an end.

2. Learned counsel Mrs. Thakur for the respondent No. 2 submits that the petitioners have challenged order of issuance of process by-passing remedy of revision U/Se. 397 of the Code of Criminal Procedure. However, she does not dispute dissolution of marriage and submission of pursis at Exhibit 29 before the Trial Court.

3. It appears from the certified copy of the pursis at Exhibit 29 that the learned Trial Judge did not permit the respondent No. 2 to withdraw the proceeding due to pendency of the present criminal writ petition. The parties are unanimous that the marriage is dissolved and decree passed by the Family Court is confirmed by the High Court. There was amicable settlement between the parties, which resulted in pursis. Under these peculiar facts and circumstances, I find it appropriate to entertain the petition, albeit, there is alternate remedy available.

4. In view of supervening events, the criminal writ petition is disposed of as virtually nothing survives to be adjudicated in this petition. The learned Judicial Magistrate First Class, Bhusawal shall close the proceedings by permitting the respondent No. 2 to withdraw the complaint in view of pursis at Exhibit 29.

5. Learned counsel for the respondent No. 2 was appointed by

the High Court. For the assistance rendered by her, her fees is quantified at Rs. 4,000/- (Rs. Four thousands only).

[SHAILESH P. BRAHME J.]

bsb/March 25