

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 210 OF 2015

1.Tapan Rajkumar Salgia
2. Rajkumar Rajmal Salgia
3. Pratibha Rajkumar Salgia
4. Vishal Rajkumar Salgia

....Petitioners

versus

1. State of Maharashtra
2. Prachi Tapan Salgia

....Respondents

Mr. Kapil Dave, advocate for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.
Mr. V. S. Singh, advocate for respondent No.2.

**CORAM : RANJIT MORE &
A. S. GADKARI, JJ.**

DATED : 27th JANUARY, 2015.

P.C.:

This petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Criminal Procedure Code, 1973 for quashing the proceedings of criminal case No. 1091/PW/2013 pending on the file of Additional Chief Metropolitan Magistrate, 65th Court at Andheri, Mumbai.

2. Petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the family members of petitioner No.1. Due to marital dispute, civil as well as criminal cases came to be filed. Petitioner

No.1 has filed petition No.A-312 of 2013 before the Family Court at Mumbai for decree of divorce. Respondent No. also lodged C.R.No.165 of 2011 against the petitioners for offences punishable under Sections 498A, 323, 337, 406, 504 and 506 read with Section 34 of the Indian Penal Code. After completion of investigation, charge-sheet was filed which was numbered as criminal case No.1091/PW/2013.

3. Petitioner No.1 and respondent No.2 resolved their dispute amicably and filed consent terms in petition No.A-312 of 2013 pending before the Family Court. Under clause 6 of the said consent terms, respondent No.2 agreed to withdraw/quash the above referred criminal case. In terms of the understanding arrived at between the parties, respondent No.2 has filed an affidavit. Under clause 4 of the said affidavit, she has requested for quashing and setting-aside the proceedings of criminal case No.1091/PW/2013. Respondent No.2 is personally present before the Court. On being questioned, respondent No.2 specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of criminal case No.1091/PW/2013 are quashed and set-aside. She also stated that she is giving no objection for quashing the criminal proceedings out of free will and without there being any pressure or coercion.

4. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and especially, in view of the law laid down by the Apex Court in the case of **B. S. Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the view that quashing the proceedings would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interest of justice, the criminal proceedings are required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(A. S. GADKARI, J.)

(RANJIT MORE, J.)