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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 456 OF 2015**

1.Mr. Vijaykumar Rajanna Ande
2. Mrs. Laxmi Vijaykumar Ande
3. Mr. Parshuram Vijakumar Ande
versus
1. Mrs. Sandhya Pratap Ande
2. The State of Maharashtra

....Petitioner

....Respondents

Mr. Pavan S. Patil, advocate for the petitioner.
Mr. P. G. Parkar, advocate for respondent No.1.
Mrs. U. V.Kejriwal, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 5th MARCH, 2015.

P.C.:

Learned counsel for the petitioner, at the outset, seeks leave to amend the prayer clause (c), so as to give particulars of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. This petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of CC No.266/PW/2013 pending on the file of learned Metropolitan Magistrate, 62nd Court, Dadar, Mumbai. The said case arises out of C.R.No.325 of 2012 registered with Worli

Police Station against the petitioners at the instance of respondent No.2 for the offences punishable under Sections 498-A, 498-B, 406 read with Section 34 of the Indian Penal Code, 1860.

3. The son of petitioner Nos. 1 and 2 and brother of petitioner No.3 married with respondent No.1 on 11th May, 2011. Unfortunately, he died on 21st August, 2011. Subsequent to the death of respondent No.1's husband, dispute arose between the parties which lead to filing of criminal cases including the one which is the subject matter of the present petition. On completion of the investigation, charge-sheet came to be filed in 62nd Metropolitan Magistrate Court at Dadar. During the pendency of the trial of the said case, the parties have arrived at settlement, and in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the said criminal case by consent. Respondent No.1 has filed an affidavit dated 18th February, 2015. In paragraph 5, she has given no objection for quashing the proceedings of the said criminal case. Respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings arising out of the said criminal case are quashed and set-aside. She also stated that she is giving no objection for quashing the said 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. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab** **[2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing the criminal proceedings. Accordingly, the petition is allowed in terms of prayer clause (c) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)