

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.226 OF 2015

Prakash LalchandApplicant
versus
1. State of Maharashtra
2. Nisha Prakash Lalchand
 Nee Nisha Lalchand (Wange)
3. Mrs. Shobha (Mala) Lalchand
4. Mr. Lalchand BhavnaniRespondents

Ms. Rita D. Bhatia, advocate for the applicant.
Mr. J. P. Yagnik, APP for the State.

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

DATED : 20th MARCH, 2015.

P.C.:

Learned counsel for the applicant, at the outset, seeks leave to amend the prayer clause so as to change the number of Section 298 (A) to 498(A) of the Indian Penal Code and also to give particulars of the criminal case number. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel appearing for the respective parties.

3. This application is filed under the provisions of section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside the proceedings of criminal case No.781/SS of 2015. The said case arises

out of FIR being CR No.282 of 2013 registered by the Khar Police Station, Mumbai against the applicant and respondent Nos. 3 and 4, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406 read with Section 34 of the Indian Penal Code, 1860.

4. The applicant and respondent No.2 got married in the year 2008. Marital dispute between the parties led to filing of civil as well as criminal cases including the one which is the subject matter of the present application. During the pendency of the trial of the said case, the parties settled their dispute amicably by filing consent terms in petition No.A/1258 of 2013 before the Family Court at Bandra, Mumbai, and in terms of the understanding arrived at between them, filed the present application for quashing the proceedings of the aforesaid criminal case by consent. Respondent No.2 has filed an affidavit dated 19th March, 2015. In paragraph 5, an averment is made that the parties have settled all their issues and respondent No.2 has prayed for quashing the proceedings of criminal case No.781/SS of 2015. Respondent No.2 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 aforesaid criminal proceedings 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.

5. 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 considered view that there is no impediment in quashing the criminal proceedings. 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 criminal application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)