

SSK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1027 OF 2015**

1. Sunita Rajendra Borotikar	
2. Rajendra Chandrakant Borotikar	Petitioners
versus	
1. State of Maharashtra	
2. Smt. Suglabai Chandrakant Borotikar	Respondents

Mr. Ritesh Thobde, advocate for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
M. S. SONAK, JJ.**

DATED : 4th AUGUST, 2015.

P.C.:

The petition is filed for quashing the proceedings of R.C.C.No.1070/2013 pending on the file of learned Magistrate, First Class, Solapur. The said case arises out of FIR bearing C.R.No.153 of 2013 registered with MIDC Police Station, at the instance of petitioner No.1, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

2. Petitioner No.1 is the wife, petitioner No.2 is the husband and respondent No.2 is the mother-in-law of petitioner No.1. Marital dispute between the parties gave rise to filing of the subject FIR. During the pendency of the trial, the parties settled their dispute amicably and have

approached this Court for quashing the proceedings of the subject criminal case by consent. Petitioner No.1 and petitioner No.2 have filed consent terms dated 4th August, 2015. In the said consent terms, an averment is made that the dispute between the parties is settled and they are happily living together. In paragraph No.3, petitioner No.1 has stated that she does not wish to prosecute her husband and mother-in-law in view of the amicable settlement between them. Both the petitioners are present before the Court. On being questioned, petitioner No.1 specifically stated that she has been explained the contents of the said consent terms in vernacular language and she has no objection if the proceedings of the subject 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.

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 view that quashing of the criminal proceedings would be in the interest of petitioner No.1. 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 interests of justice, the criminal proceedings are required to be quashed.

6. In the circumstances, the proceedings of R.C.C.No.1070 of 2013 pending on the file of Ld. Magistrate, First Class, Solapur and arising out of FIR bearing C.R.No.153/2013 registered with MIDC Police Station are quashed and set-aside. The petition, accordingly, stands disposed of.

(M. S. SONAK, J.)

(RANJIT MORE, J.)