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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1157 OF 2015**

1. Mr.Rajesh Dhirajlal Shah	
2. Mrs. Nirmala Dhirajlal Shah	
3. Mrs. Kavita Sudhir Sakpal	
4. Mr. Sudhir Sakpal	Petitioners
versus	
1. Mrs. Khushboo Rajesh Shah	
2. The State of Maharashtra	Respondents

Mr. Rohit Yadav i/b. Mr. Safian Qureshi, advocate for the petitioners.
Ms. Suvarna A. Vast, advocate for respondent No.1.
Mr. J. P. Yagnik, APP for the State.

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

DATED : 29th JUNE, 2015.

P.C.:

Heard learned counsel and learned APP appearing for the respective parties.

2. This petition is filed under Article 226 of the Constitution of India read with provisions of 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C.No.435/PW/2014 pending on the file of 73rd Court at Vikhroli. The said proceedings arise out of registration of FIR at Pant Nagar Police Station, at the instance of respondent No.1, for the offences punishable under Sections 495, 498-A, 406 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner and respondent No.1 are husband and wife. Rest of the petitioners are the family members of petitioner No.1. Marital dispute between the parties led to filing of civil as well as criminal cases, and the above criminal case is one of them. During the pendency of the trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the said criminal case as per consent terms filed by them before the Family Court, a copy of which is annexed at page 35 of the petition. Respondent No.1 has filed an affidavit dated 11th March, 2015. In paragraph 8, she has stated that she has no objection for quashing and setting-aside the proceedings arising out of the aforesaid 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 aforesaid 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. 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 respondent 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. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)