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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1176 OF 2014

1.Rahul S/o. Omprakash Muchhal
2.Omprakash Mucchal
3. Indira Omprakash MucchalPetitioners
versus
1.Smt. Archana W/o.Rahul Mucchal
2.Sr.Inspector of Police
3.The State of MaharashtraRespondents

Mr. P. B. Naiknaware a/w. Mr. R. K. Dave, advocate for the petitioners.
Mr. S.S.Karmakar, advocate for respondent No.1.
Mrs. M. M. Deshmukh, APP for the State.

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

DATED : 5th February, 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 for quashing the proceedings of FIR No.00/14 registered at MHB Police Station, Powai, Mumbai. The said FIR is registered at the instance of respondent No.1 against the petitioners for offences punishable under Sections 498A, 406, 420, 323, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Petitioner No.1 and respondent No.1 got married on 21st November, 2011. Rest of the petitioners are the family members of petitioner No.1. Marital dispute between the parties gave rise to filing of civil as well as criminal cases. The present FIR is one of them. During the pendency of investigation, the parties have arrived at settlement and in pursuance of understanding arrived at between them, the present petition is filed for quashing the proceedings of the said FIR by consent. Respondent No.1 has filed an affidavit dated 27th January, 2015. In paragraph 3 of the said affidavit, she has stated that she has no objection if the the petition is allowed and the proceedings against the petitioners are quashed and set-aside. 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 FIR No.00/14 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.)