

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

rpa

CRIMINAL WRIT PETITION NO.1965 OF 2015

Sunny Mangalsingh Gaud	.. Petitioner
Vs.	
The State of Maharashtra & Ors.	.. Respondents

....
Mr.Sushrut Jadhwar, Advocate for the Petitioner.
Mrs.M.H. Mhatre, APP for the Respondent – State.
Mr.Bhavesh Thakur, Advocate for Respondent No.3.
....

**CORAM : RANJIT MORE &
A.P. BHANGALE, JJ.**

DATED : MAY 8, 2015.

P.C. :

Heard the learned counsel for the respective parties.

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 and setting aside the proceeding of the CR No.107 of 2015 registered with Ghatkopar Police Station, Mumbai. The CR is registered at the instance of respondent no.3 for the offences punishable under Sections 498A, 354, 324, 320, 504, 506, 507 read with section 34 of the Indian Penal Code.

3 The petitioner and the respondent no.3 are husband and wife. The matrimonial dispute gave rise to the filing of the subject FIR. Pending investigation parties settled their dispute amicably and in pursuance of the understanding arrived at between them, present petition is filed for quashing the subject FIR by consent.

3 Respondent no.3 has filed an affidavit on 5th May, 2015. In paragraph no.5 she has recorded her no objection to quash the subject FIR. The respondent no.3 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has been explained the contents thereof in vernacular. She states that she has no objection to quash and set aside the subject FIR as against the petitioner and other accused. 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.3. 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 (b) and is disposed of as such.

(A.P. BHANGALE, J.)

(RANJIT MORE, J.)