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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2213 OF 2015

Ramesh Krishna Bait

..Petitioner.

V/s.

Smt. Shruti Ramesh Bati and Anr.

..Respondents.

Mr.Vinod R. Shroff for the petitioner.

Smt.Shruti Ramesh Bait – respondent No.1 present.

Mrs.U.V.Kejriwal, APP for respondent-State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.****DATED : 20TH NOVEMBER, 2015****P.C. :-**

1. Heard learned counsel for the applicant, learned A.P.P. for the State and respondent No.2 who is personally present. This petition is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. No.440/14 registered with Santacruz (West) Police Station, Mumbai at the instance of respondent No.1 against the petitioner for the offences punishable under Sections 498(A), 323, 504 read with Section 34 of the Indian Penal Code.

2. The petitioner and respondent No.1 were husband and wife. Marital disputes arose and there were civil and criminal proceedings in various Courts and different authorities. The subject

FIR of the petition is also one of the dispute.

3. Pending investigation, the parties approached this Court for quashing the proceedings in the subject F.I.R. by consent since they have amicably settled their dispute and they have accordingly dissolved their marriage by a decree of divorce in Marriage Petition No.37/14 passed by the Ad-hoc District Judge-1 Vasai. Respondent No.1 has filed an affidavit dated 18th August, 2015. In paragraph 4, she has stated that she has no objection if the subject F.I.R. is quashed. Respondent No.1 is personally present before the Court. Respondent No.1 states that she has gone through her affidavit and has fully understood the contents thereof and has no objection if the criminal case is quashed. 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.2. 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.

5. The petition is, accordingly allowed in terms of prayer clause (a) and disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)