

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2460 OF 2015

Amit Naresh Manchanda

..Petitioner.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.K.U. Nikam for the petitioner.

Mr.K.V.Saste, APP for respondent-State.

Mr.V.A.Madane with Mr.Miraj Chougule and Ms.Suchita C. for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 11TH DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the applicants, learned counsel for respondent No.2 and learned A.P.P. for the State. Leave to amend. Amendment to be carried out forthwith.

2. This petition is filed under Article 226 of the Constitution of India and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceeding bearing RCC NO.4504/2014 pending in the Court of the learned Judicial Magistrate First Class, Court No.5, Shivajir Nagar, Pune on the basis of F.I.R. bearing No.333/14 with the Shivaji Nagar police station, Pune at the instance of respondent No.2 against the petitioner for the offences punishable under Sections 498A, 323,

504 of the Indian Penal Code.

3 The petitioner and respondent No.2 were married on 23rd April, 2014. Matrimonial disputes between the parties gave rise to the filing of several criminal cases as well as civil matter. The subject matter of the present petition is one of them.

4. Pending trial, the parties have amicably settled their dispute and in pursuance of an understanding arrived at between them, have approached this Court for quashing of the criminal proceedings pending in the Court of learned Judicial Magistrate First Class, Court No.5, Pune by consent. Respondent No.2 has filed an affidavit on 11th December, 2015. In paragraph 2, she has stated that she has no objection if the subject R.C.C. No.4504/2014 is quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 has specifically stated that she has gone through her affidavit and has fully understood the contents thereof and has no objection if the subject criminal case is quashed. She also states that she is giving no objection for quashing the said criminal 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. From the perusal of complaint, it

transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. 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 proceedings of the criminal case would be in the interest of respondent No.2. Besides that, 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. Accordingly, the application is made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)