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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 597 OF 2015

1. Shri Sanjeevkumar Surendra Thakur
2. Sou Shakuntala Surendra Thakur
3. Shri Surendra Shital Thakur
4. Shri Devendra Shital Thakur
versus
1. The State of Maharashtra
2. Sou. Sharada Sanjeevkumar Thakur

....Applicants

....Respondents

Mr. Anand S. Patil, advocate for the applicants.
Mrs. P. H. Kantharia, APP for respondent No.1.
Mr. Rajesh M. Davvesh, advocate for respondent No.2.

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

DATED : 29th JUNE, 2015.

P.C.:

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

2. The application is filed under Section 482 of the Criminal Procedure Code, 1973, for quashing and setting-aside C.R.No.I-77/2014 registered with Koper Khairane Police Station, District- Thane, at the instance of respondent No.2, for the offences punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code, 1860.

3. Respondent No.2 was the wife of applicant No.1/husband. Rest of the applicants are the family members of applicant No.1. Marital dispute between the parties led to filing of civil as well as criminal cases, and the above C.R. is one of them. During the pendency of the investigation of the said C.R., the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the said criminal case by consent. Respondent No.2 has filed an affidavit dated 25th June, 2015. In paragraph 6, she has stated that she has no objection for quashing the proceedings of the above referred C.R.. Respondent No.2 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 said C.R. 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.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. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)