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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 611 OF 2015

1. Mr.Jinesh Subhash Vasa
2. Mr. Subhash Chunilal Vasa
3. Mrs. Daksha Subhash Vasa
4. Mr. Mitesh Subhash Vasa

....Applicants

versus

1. Mrs. Amola Jinesh Vasa
2. State of Maharashtra

....Respondents

Mr. Bharat B. Pathak, advocate for the applicants.
Ms. Amola Jinesh Vasa, respondent No.1 present-in-person.
Mr. K. V. Saste, APP for the State.

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

DATED : 3rd JULY, 2015.

P.C.:

Heard learned counsel for the applicants and respondent No.1
in person.

2. This application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the proceedings of criminal case No. 847/PW/2015 pending on the file of 17th Metropolitan Magistrate Court at Borivali, Mumbai. The said proceedings arise out of FIR 43 of 2014 registered with Samta Nagar Police Station, Kandivali East, Mumbai, at the instance of respondent No.1, for the offences

punishable under Sections 498-A, 420, 406 read with 34 of the Indian Penal Code, 1860 and Section 3(D) of the Domestic Violence Act, 2005, against the applicants.

3. Applicant No.1/husband was married to respondent No.1/wife on 17th August, 2012. Rest of the applicants are the family members of applicant No.1. Difference of opinion between the parties gave rise to marital dispute which led to filing of the subject criminal case. During the pendency of the trial, 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.1 has filed an affidavit dated 22nd June, 2015. In paragraph 7, she has stated that she has no complaint against the applicant No.1 and she wants to withdraw her subject complaint. 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 said criminal case 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 application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)