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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 630 OF 2015

1.Mr. Jignesh Girishbhai Makwana
2.Mr. Girishbhai Harilal Makwana
3.Mrs.Shobhaben Girishbhai Makwana
4.Mr. Sanjaylal Girishbhai Makwana
5.Mrs. Bhumi Sanjaylal Makwana

....Applicants

versus

1. The State of Maharashtra
2. Mrs. Trupti Jignesh Makwana @
Trupti Dineshbhai Waghela

....Respondents

Mr. Prashant Badole, advocate for the applicants.
Mrs. M. H. Mhatre, APP for the State.
Mr. N. K. Khan, advocate for respondent No.2.

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

DATED : 20th JULY, 2015.

P.C.:

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C.No.2601843/PW/2013 pending on the file of learned Metropolitan Magistrate, 26th Court, Borivali. The said case arises out of FIR being C.R.No.101/2013 registered with Borivali Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.2 got married in the year 2010. 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 subject matter of the present application is one of them. Pending 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 subject criminal case by consent. Respondent No.2 has filed an affidavit dated 17th July, 2015. In paragraph 4, she has given her no objection for quashing and setting aside the proceedings of the aforesaid criminal case. 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 of the subject criminal case are quashed and set-aside. She also stated that she is giving no objection for quashing the proceedings of the subject criminal case 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 proceedings of the criminal case are required to be quashed and set-aside. The application is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)