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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 695 OF 2015

1.Mr. Yashraj Bhojraj Nimbalkar
2.Mr. Balraj Bhojraj Nimbalkar
3.Mrs. Urmila Bhojraj Nimbalkar
versus
1. Mrs. Aditi Yashraj Nimbalkar
2. The State of Maharashtra

....Applicants

....Respondents

Mr. Rahul P. Walvekar, advocate for the applicants.
Mr. Niranjana S. Mundargi i/b. Mr. Prasanna Bhangale, advocate for respondent No.1.
Mrs. S. V. Sonawane, APP for the State.

**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.1028/2014 pending on the file of learned JMFC Court, Dist-Kolhapur. The said case arises out of FIR being C.R.No.69 of 2014 registered with Laxmipuri Police Station, Kolhapur, at the instance of respondent No.1, for the offences punishable under Sections 498A, 313, 406, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.1 are husband and wife. 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. Learned counsel appearing for the respective parties makes a common statement that the dispute between the parties is amicably settled and they have arrived at settlement. Accordingly, the consent terms are filed in criminal miscellaneous No.439 of 2014 pending in JMFC IV Court, Belgaum, a copy of which, is annexed at Exhibit "C", page 60 of the petition. In that view of the matter, learned counsel appearing for the respective parties have requested for quashing the proceedings of the subject criminal case by consent. Respondent No.1 has filed an affidavit dated 10th 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.1 is also 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.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 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.)