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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3045 OF 2014**

1. Shailesh Thakurbhai Rathod
2. Kamlesh Thakurbhai Rathod
3. Hansaben Thakurbhai Rathod

....Petitioners

versus

1. State of Maharashtra
2. Apexa Shailesh Rathod

....Respondents

Mr. Mahest Thorat, advocate for the petitioners.

Mrs. P. H. Kantharia, APP for the State.

Ms. Hina G. Achargya, advocate for respondent No.2.

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

DATED : 27th March, 2015.

P.C.:

The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Criminal Procedure Code, 1973 for quashing the proceeding of complaint No.2379/PW/2011 pending on the file of 67th Court, Borivali, Mumbai. The said proceedings arise out of FIR bearing CR No.08 of 2011 registered with Goregaon Police Station, Goregaon (West) for the offence punishable under sections 498A read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC").

2. Petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the family members of petitioner No.1. Marital dispute between the parties led to filing of civil as well as criminal cases, and the instant petition is one of them. During the pendency of the trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the said criminal case by consent. Respondent No.2 has filed an affidavit dated 19th September, 2014. In paragraph 10, she has given her no objection for quashing and setting aside the proceedings of the above referred 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 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.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 petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)