

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3398 OF 2015

Mr. Sambhaji Arjun Hindalekar ..Petitioner
Versus
1. The State of Maharashtra
2. Smt. Prajakta Sambhaji Hindalekar ..Respondents

Mr. Sanket G. Telang, advocate for the petitioner.
Mrs. S. U. Sonavane, APP for the State.
Smt. Prajakta S. Hindalekar, respondent No.2 in person.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 6th OCTOBER, 2015.

P. C. :

Heard learned counsel for the petitioner, learned APP and respondent No.2 in person.

2. The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of RCC No.876 of 2014 pending on the file of JMFC at Pimpri, Pune. The said case arises out of registration of the FIR No.147 of 2014 with Nigdi Police Station, Pune, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 323, 504 and 506 of the Indian Penal Code, 1860.

3. The petitioner and respondent No.2 are husband and wife. Marital dispute between them give rise to filing of civil as well as criminal cases. The subject matter of the present petition is one of them. Pending trial, the parties settled their dispute amicably and have filed consent terms for divorce in the Family Court in the matter being A-Petition No.175 of 2014. A copy of the said consent term is annexed at "Exhibit C" to the petition. In pursuance of an understanding arrived at between the parties, the present petition is filed for quashing and setting aside the proceedings of RCC No.876 of 2014 by consent. Respondent No.2 has filed an affidavit dated 6th October, 2015. In paragraph 7, she has given her no objection for quashing and setting-aside the subject 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 understood the contents thereof and she 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 said 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 proceedings of the criminal case 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 subject criminal case are required to be quashed and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.