

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3523 OF 2015**

Mr. Paresh Lal Shah

Petitioner.

Vs

1. The State of Maharashtra;
2. Kavita Shah,
3. The Inspector of Police,
Cuffe Parade Police
Station.

.. Respondents

Mr. Murlidharan V.C. i/b Jay Legal Consultants, Advocates for
Petitioner.

Mrs. U.V.Kejriwal , APP for Respondent-State.

Mr.Vijay Hiremath, Advocate for Respondent no.2.

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

DATE : 30th SEPTEMBER, 2015.

PC:

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

2. The petition is filed under Article 226 of the Constitution of
India read with Section 482 of the Code of Criminal Procedure,
1973, for quashing and setting-aside the criminal proceedings,
being criminal case no.512/P.W. of 2010 pending on the file of
learned Metropolitan Magistrate, 47th Court, Esplanade, Mumbai.
The said case arises out of registration of FIR bearing C.R. No.
243/2008 registered with Cuff Parade Police Station, Mumbai at
the instance of respondent No.2, for the offences punishable
under Sections 498A read with section 34 of the Indian Penal
Code, 1860.

3. Petitioner no.1 and respondent no.2 are husband and wife. Marital dispute between the parties gave rise to filing of subject FIR. Pending trial, the parties have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 30.09.2015. In paragraph 8, she has given her no objection for quashing and setting-aside the subject criminal case registered against the petitioners. 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 subject criminal case is quashed and set-aside. She also stated that she is giving no objection for quashing 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 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 subject criminal case is required to be quashed. The Petition is, accordingly, allowed in terms of prayer clause (a). Criminal proceedings, being Criminal Case No.512/PW of 2010 arising out of FIR No.243 of 2008, pending before learned Metropolitan Magistrate's 47th Court, Esplanade, Mumbai, are quashed and set aside. The Criminal Writ Petition is disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.