

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.991 OF 2015

Kishore Govind Nanda and others ... Applicants
Vs.
State of Maharashtra ... Respondent

Ms Ragini V. Joshi for Applicants.
Mr. K. V. Saste, APP for Respondent-State.

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

DATE : 12th OCTOBER, 2015.

P.C.:

Heard, Ms Joshi, learned counsel for applicants and Mr. Saste, learned APP for respondent-State.

2. The joint application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 by the accused and the complainant for quashing and setting-aside the FIR bearing C.R. No.241 of 2014 registered with Jogeshwari Police Station, at the instance of the respondent No.5, for the offences punishable under Sections 323, 504, 506(2), 498-A read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 7 of Dowry Prohibition Act, 1961.

3. Applicant No.1 (accused) is the husband of the applicant No.5. The matrimonial dispute between the parties gave rise to filing of the

subject FIR. Pending investigation, the parties have settled their dispute amicably, and accordingly, applicant No.1 and applicant No.5 are staying together. In these circumstances, the joint application is filed for quashing and setting-aside the subject FIR. Applicant No.5 has also filed consent affidavit dated 12.10.2015. In paragraph 5, she has given no objection to quash and set aside the subject FIR. She is personally present in the Court. On specific query, she confirmed the contents of the affidavit.

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 subject criminal case would be in the interest of applicant No.5. 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. Criminal Application is, accordingly, made absolute in terms of prayer clause (I) and is disposed of as such.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]