

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3795 OF 2015**

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| 1. Mr. Udal Mahendra Chourasiya;
2. Mr Khemraj Alias Kaju Chourasiya
@ Altamash Khan;
3. Smt Santra Mahendra Chourasiya;
4. Smt Halima alias Hema Chourasiya | Petitioner. |
| Vs | |
| 1. The State of Maharashtra;
2. Mrs Baby Udal Chourasiya | .. Respondents |

Mr. Hardeep Singh, Advocates for Petitioner.
Mrs. K.V.Saste, A.P.P for Respondent no.1-State.
Mr.Pramod Hajare, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 06th OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned APP appearing for the respective parties.
2. This 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 proceedings of the Criminal Case, being C.C. No.618/PW/2013 pending on the file of learned J.M.F.C Court, Bhiwandi. The said case arises out of registration of FIR bearing C.R. No. I-06/13 registered with Nijampura Police Station, Thane at the instance of respondent No.2, for the offences punishable under Sections 498-A, 406, 323, 504, 506 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 several

criminal as well as civil matters. Subject matter of the present petition is one of them.

4. Pending trial of subject criminal case, the parties have settled their dispute amicably and filed Consent Terms before Family Court in Petition No. A-636 of 2015, copy of which is annexed at Exhibit B. In pursuance of an understanding arrived at between them, parties have approached this Court for quashing and setting aside the subject criminal case, by consent. Respondent No.2 has filed an affidavit dated 30.9.2015. In paragraph 8, she has given no objection for quashing proceedings of the subject criminal case 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 proceedings of the subject criminal case against the petitioners are quashed. She also stated that she is giving no objection for quashing proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

5. 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 proceedings of the subject 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.

6. In the result, the Petition is, accordingly, allowed in terms of prayer clause (a). Proceedings of Criminal Case, being C.C.No.618/PW/2013, pending before the learned Judicial Magistrate First Class, Bhiwandi against the petitioners 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.