

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3801 OF 2015**

1. Mr. Prashant Prakash Kilje; 2. Pratibha Prakash Kilje; 3. prakash Babu Kilje; 4. Pravin Prakash Kilje.	Petitioners.
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Vs

1. The State of Maharashtra; 2. Prachi Prashant Kilje	.. Respondents
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Ms. Manish A Devkar, Advocate for Petitioners.
Mrs. P.H.Kantharia , APP for Respondent-State.
Ms. Anita Y Murgude, 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. 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. 2314/PW/2012 pending on the file of learned Metropolitan Magistrate, 24th Court, Borivali. The said case arises out of registration of FIR bearing C.R. No.164/2012 registered with Charkop Police Station, Mumbai at the instance of respondent No.2, for the offences punishable under Sections 498A, 406,504,506 read with section 34 of the Indian Penal Code, 1860.

3. Petitioner no.1 and respondent no.2 are husband and wife. Rest of the petitioners are family members of petitioner no.1. 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, the parties have settled their dispute amicably and filed Consent Terms before the Family Court in Petition No. C-17 of 2013. In pursuance of an understanding arrived at between them, the parties have approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent.

5. Respondent No.2 has filed an affidavit dated 30.9.2015. In paragraph 5, she has given her no objection for quashing and setting-aside the proceedings of 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 is quashed and set-aside. She also stated that she is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

6. 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 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 is required to be quashed. The Petition is, accordingly, allowed in terms of prayer clause (a) and is disposed of as such.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

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