

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3891 OF 2015

Yoginder Chanderban Lalwani and others	... Petitioners
Vs.	
Amrita Yoginder Lalwani and another	... Respondents

Mr. Manoj M. Badgujar for Petitioners.
Mr. Gopal V. Bhagat for Respondent No.1.
Mr. K. V. Saste, APP for Respondent-State.

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

DATE : 15th OCTOBER, 2015.

P.C.:

Heard Mr. Badgujar, learned Counsel for petitioners, Mr. Bhagat, learned Counsel for respondent No.1 and Mr. Saste, learned APP for respondent No.2-State.

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 R.C.C.No.845 of 2013 pending on the file of learned J.M.F.C. No.6, Ulhasnagar, District Thane. The said case arises out of registration of FIR bearing C.R. No.I-265 of 2012 registered with Ulhasnagar Police Station at the instance of respondent No.1, for the offences punishable under Sections

498-A, 406 read with Section 34 of the Indian Penal Code, 1860.

3. Petitioner No.1 and respondent No.1 are husband and wife. Matrimonial 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, parties have settled their dispute amicably and have approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.1 has filed an affidavit dated 11.9.2015. In paragraph 3, she has given no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.1 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.

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 the proceedings of the subject criminal case would be in the interest of respondent No.1. 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.]

Minal Parab