

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3985 OF 2014

Shri Jitendra H. Tayade and Ors.

..Petitioners.

Versus

The State of Maharashtra & Ors.

..Respondents.

Mr. Sujeet Kurup i/by Kurup Shivaji & Co., advocate for petitioners.
Mrs. M.H.Mhatre, APP for the State.

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

Date : 29th September, 2015.

P. C. :

The learned counsel for the petitioners, at the outset, seeks leave to amend prayer clause (a) so as to give particulars of the criminal case. Leave granted. Necessary amendment shall be carried out forthwith.

2 Heard learned counsel for the petitioners and the respondent no.3 in person.

3 This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the

Criminal Case No.120 of 2014 pending on the file of JMFC at Pimpri, Pune. The said case arises out of registration of the F.I.R. bearing C.R.No.341 of 2013 at the instance of respondent no.3 for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

4 Petitioner No.1 and respondent no.3 are husband and wife. Rest of the petitioners are family members of the petitioner no.1. Matrimonial disputes between the parties gave rise to filing of the subject F.I.R. Parties, however, during the trial of the aforesaid criminal case settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent.

5 Respondent no.3 has filed affidavit dated 28.9.2015. In paragraph 3, she has given no objection to quash the proceedings of the subject criminal case. Respondent no.3 is personally present in the Court. She confirms the contents of the affidavit. On specific query, she states that the dispute between herself and the petitioner no.1 is settled and at present she is residing with

petitioner no.1. Petitioner no.1 is also present. He also makes a statement that he and respondent no.3 have buried their differences and are staying together. Respondent no.3 states that she has no objection to quash the proceedings of the subject criminal case.

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 subject criminal case would be in the interest of respondent No.3. 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, made absolute 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 judgment/order.