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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1056 OF 2015

Sachin Motiram Shelar

..Applicant.

V/s.

The State of Maharashtra and Ors.

..Respondents.

Mr.K.H. Kamble for the applicant.

Mrs.S.V.Sonavane, APP for respondent-State.

Mrs.Sanjivini S. Shelar – respondent No.3 in person present.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 11TH DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the applicant, learned A.P.P. for the State and respondent No.3 in person. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the Criminal Case R.C.C. No. 1076/2008 pending in the Court of the learned Judicial Magistrate First Class, Thane on the basis of F.I.R. bearing No.118/2008 registered with the Mira Road police station, District Thane at the instance of respondent No.3 against the applicant for the offences punishable under Sections 498A, 406, 323, 504 and 506 of the Indian Penal Code.

2. The applicant and respondent No.3 were married on 8th July, 2007. Matrimonial disputes between the parties gave rise to the filing of several criminal cases as well as civil matters. The subject matter of the present application is one of them.

3. Pending trial, the parties have amicably settled their dispute and in pursuance of an understanding arrived at between them, have approached this Court for quashing of the subject criminal case pending in the Court of learned Judicial Magistrate First Class, Thane by consent. Respondent No.3 has filed an affidavit dated 10th December, 2015. In paragraph 6, she has stated that she has no objection if the subject criminal case is quashed. Respondent No.3 is personally present before the Court. On being questioned, respondent No.3 has specifically stated that she has gone through her affidavit and has fully understood the contents thereof and has no objection if the subject criminal case is quashed. She also states that she is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence

alleged cannot be said to have any impact on the society. 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 criminal case would be in the interest of respondent No.3. Besides that, 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.

5. Accordingly, the application is made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)