

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1065 OF 2015**

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| 1. Mr. Satish Rajaram Koteswar;
2. Mr.Rajaram Rama Koteswar;
3. Mr.Kamini Rajaram Koteswar;
4. Ms Savita Ganesh;
5. Mr.Harish Rajaram Koteswar; | Applicants. |
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Vs

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| 1. The State of Maharashtra,
2. Vidya Satish Koteswar | .. Respondents |
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Mr. Ashish Dueby , Advocate for Applicants.
Mrs. S.V.Sonavane, A.P.P for Respondent no.1-State.
Mr. Kartik Garg, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 21ST OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The Application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the criminal proceedings, being Criminal Case No. 414/PW/2009 pending on the file of learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai. The said case arises out of registration of FIR bearing C.R. No.461 of 2008 registered by M.I.D.C Police Station, Mumbai at the instance of respondent No.2, for the offences punishable under Sections 498-A, 406, 506 read with 34 of the Indian Penal Code, 1860.

3. Marriage of Applicant No.1 and respondent no.2 was solemnized on 10.4.2003. Rest of the Applicants are the family members of applicant no.1. Marital dispute between the parties gave rise to filing of several criminal as well as civil matters. The subject matter of the present application is one of them. Applicant no.1 filed Petition No. A-246 of 2014 against respondent no.2 for a decree of divorce in the Family Court at Bandra, Mumbai, Parties arrived at settlement and filed Consent Terms in that Petition. Copy of the Consent Terms is annexed at Exhibit-B to the petition.

4. Pending trial, In terms of the understanding arrived at between the parties as stated above, they have approached this Court for quashing and setting aside the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 6.10.2015. In paragraph 7, she has given no objection for quashing and setting aside the proceedings of 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. She confirms the contents of the affidavit. She states that she has no objection if the subject FIR is quashed and set-aside.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From perusal of the complaint, it

transpires that the allegations are personal in nature. There is no element of public law involved in the case. 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, Application is made absolute in terms of prayer clause (a). Proceedings against the applicants, being C.C. No.414/PW/2009 pending before the Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, are quashed and set aside.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)