

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1129 OF 2015

Ganesh Laxman Shinde and Ors.

..Applicants.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.Chetan Akerkar for the applicants.

Mrs.M.M.Deshmukh, APP for respondent-State.

Mr.A.P.Fanibanda for respondent No.2.

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

DATED : 2ND DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the applicants, learned counsel for respondent No.2 and learned A.P.P. for the State. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceeding bearing CC NO.1132/PW/2015 pending in the Court of Metropolitan Magistrate, 65th Court, Andheri, Mumbai registered on the basis of F.I.R. bearing No.255/13 with the Vile Parle police station at the instance of respondent No.2 against the applicants for the offences punishable under Sections 498A, 406 read with Section 34 of the Indian Penal Code.

2. Applicant No.1 and respondent No.2 are husband and wife and rest of the applicants are family members of applicant No.1. Matrimonial dispute between the parties gave rise to the filing of several criminal cases as well as civil matter. The subject matter of the present petition is one of them.

3. Pending investigation, 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 Criminal proceedings pending in the Court of Metropolitan Magistrate, 65th Court, Andheri, Mumbai by consent. Respondent No.2 has filed an affidavit on 16th October, 2015. In paragraph 3, she has stated that she has no objection if the criminal proceedings are quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 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 proceedings are quashed. She also states that she is giving no objection for quashing the said criminal proceedings 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.2. 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 criminal proceedings are 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.)