

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4170 OF 2015

Mr. Umesh Dattatraya Gholap	..Petitioner
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. Runal Vijay Watulkar, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Pawan Mali i/b. Ms.Prachi Parab, advocate for respondent No.2.

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

DATE : 8th DECEMBER, 2015.

P. C. :

Mr. Watulkar, learned counsel for the petitioner, at the outset, seeks oral leave to amend the petition so as to correct the prayer clause. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel and learned APP appearing for the respective parties.

3. 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 proceedings of criminal case No.1161 of

2012 pending on the file of learned JMFC, CBD-Belapur Court, Navi Mumbai. The said criminal case arises out of FIR No.128 of 2012 registered with Nerul Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 504 and 506 of the Indian Penal Code, 1860.

4. The petitioner and respondent No.2 are husband and wife. Marital dispute between the parties gave rise to filing the criminal case which is the subject matter of the present petition. Pending trial, the parties have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 8th October, 2015. In paragraph 5, she has given her no objection for quashing and setting-aside the subject FIR as well as the criminal case No.1161 of 2012. Respondent No.2 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 are quashed and set-aside. She also stated that she is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

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 FIR 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 and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]