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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1150 OF 2015

Viraj Shamrao Patil and Anr.

..Applicants.

V/s.

Smt. Gouri Vijay Patil and Anr.

..Respondents.

Mr.S.P.Borhade for the applicants.

Mr.K.T.Babu for respondent No.1

Mr.K.V.Saste, APP for respondent No.2.

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

DATED : 17TH NOVEMBER, 2015

P.C. :-

1. Heard learned counsel for the applicants, learned counsel for respondent No.1 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 F.I.R. bearing No.63/15 registered with the Aarey police station, Mumbai at the instance of respondent No.1 against the applicants for the offences punishable under Sections 498(A), 406, 323, 504 read with Section 34 of the Indian Penal Code.

2. Applicant No.1 and respondent No.1 are husband and wife. Applicant No.2 is the mother of applicant No.1.

Matrimonial dispute between the parties gave rise to the filing of subject F.I.R.

3. During the pendency of the investigation, the parties have settled the dispute amicably and now they are residing together. Pursuant to the understanding arrived at in between the parties, they have preferred this application for quashing the subject F.I.R. by consent.

4. Respondent No.1 has filed an affidavit dated 27th October, 2015. In paragraph 5, she has stated that she has no objection if the subject F.I.R. is quashed. Respondent No.1 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.1 specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. She also stated that she is giving no objection for quashing the said F.I.R. 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 criminal proceedings would be in the interest of respondent No.1. 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 criminal proceedings are required to be quashed.

6. Accordingly, the application is made absolute in terms of prayer clause (a).

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)