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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1239 OF 2015

Shri. Sujit Vasant Mahajan and Ors.	..	Applicants
V/s.		
State of Maharashtra and anr.	..	Respondents

Mr. S.S. Karmarkar, advocate for the applicant.

Ms. S.D. Harode for respondent no. 2.

Mr. K.V. Saste, A.P.P. For the State.

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

DATED : 21st DECEMBER, 2015

P.C. :-

Heard the learned counsel for the applicant, respondent no. 2 and learned A.P.P. for the State.

2. The applicant no. 1 and respondent no. 2 are the husband and wife. The rest of the applicants and family members of the applicant No. 1. The matrimonial dispute gave rise to filing of the said FIR. This application is filed under section 482 of the Code of Criminal Procedure to quash and set aside the proceedings of FIR bearing C.R. No. 376 of 2014 registered with Borivali Police Station, Mumbai at the instance of respondent no.2 for the offence punishable under section 498A read with 34 of Indian Penal Code.

3. Pending the investigation, the parties have settled their dispute amicably and have approached this Court for quashing of

the said FIR by consent. Respondent No.2 has filed affidavit dated 21st December, 2015. In Paragraph 5 she has given no objection to quash and set aside the said FIR. She is personally present in the Court. 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 FIR is quashed. She also states that she is giving no objection for quashing the said 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. 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.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 criminal proceedings are required to be quashed. 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.)