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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1250 OF 2015

Shri. Shanmukhanand Sham Barsagadey .. Applicant

V/s.

State of Maharashtra and anr. .. Respondents

Mr. Datta Mane, advocate for the applicant.

Ms. S.M. Chandekar for respondent no. 2.

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

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

DATED : 9th DECEMBER, 2015

P.C. :-

Heard the learned counsel for the applicant and learned A.P.P. for the State.

2. This application is filed under section 482 of the Code of Criminal Procedure to quash and set aside the proceedings of Regular Criminal Case No. 977 of 2014 pending on the file of the 3rd Joint Civil Judge, Junior Division and J.M.F.C. Pimpri. The said case arises out of the registration of C.R. No. 253 of 2014 with Chinchwad Police Station, Pune at the instance of the respondent no. 2 for the offences punishable under section 498A, 417 and 507 of Indian Penal Code.

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

criminal proceedings by consent. Respondent No.2 has filed affidavit dated 9th December, 2015. In Paragraph 4 she has given no objection to quash and set aside the criminal proceedings. 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 proceeding 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.)