

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 4513 OF 2015

Manoj Surendra Yadav & Others. ... Petitioners.

V/s.

Sunita Manoj Yadav & Anr. ... Respondents.

Mr. S. D. Patil i/by M. P. Kshirsagar, Advocate for the
Petitioners.

Mr. Chitharanjan Das, Advocate for Respondent No.1.

Mr. K. V. Saste, APP for Respondent No.2 - State.

CORAM : RANJIT MORE & A.V.NIRGUDE,JJ.

DATED : 26th NOVEMBER, 2015.

P.C. :

1 At the outset, Mr. S.D.Patil, learned counsel appearing for the petitioners, seeks leave to amend the prayer clause so as to give particulars of the Criminal Case No. CC /415/PW/15, pending in the court of Metropolitan Magistrate, 53rd Court at Mulund. Leave is granted. Amendment to be carried out forthwith.

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

3 By this petition, filed under Article 226 of the Constitution of India read with the provisions of section 482 of

the Criminal Procedure Code, 1973, the petitioners seek quashing and setting aside the proceedings of Criminal Case No. 414/PW/2015, pending on the file of 53rd Metropolitan Magistrate's Court at Mulund. The said case arises out of registration of FIR bearing MECR No. 07 of 2013 with Bhandup Police Station, Mumbai at the instance of Respondent No.1 for the offences punishable under Sections 498A, 406, 313, 324, 504 read with section 34 of the Indian Penal Code.

4 Petitioner no. 1 and Respondent No.1 are husband and wife respectively. Petitioner Nos. 2, 3, 4 and 5 are family members of the Petitioner No.1. Marital dispute between the parties gave rise to filing several civil as well as criminal proceedings. The subject matter of the present petition is one of them.

5 During pendency of trial of the subject criminal case, the parties have settled their dispute amicably and pursuant to the understanding arrived at between them, they have approached this court for quashing and setting aside the subject criminal case. Respondent No.1 has filed an affidavit dated 26th November, 2015. She has given no objection for quashing the subject criminal case. Respondent No.1 is personally present in the court and she confirms the contents of the affidavit. On being questioned, she stated that the

dispute between them is settled amicably and that she has no objection for quashing the subject criminal case. She also stated that she is giving no objection for quashing the subject criminal proceedings out of free will and without there being any pressure or coercion.

6 It can, thus, be seen that the matter has been amicably settled between the parties. From perusal of the complaint, it transpires 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 vs. 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.1. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the criminal courts which are already overburdened.

7 In the light of the above and in the interest of justice, the proceedings arising out of the subject FIR are quashed. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(A.V.NIRGUDE,J.)

(RANJIT MORE,J.)

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