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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4893 OF 2014**

1. Mr. Nitin Sadashiv Yamgar
2. Mr. Sadashiv Krishna Yamgar
3. Mrs. Meera Sadashiv Yamgar
4. Mr. Sushant Sopan Bandgar
5. Mrs. Sheetal Sushant Bandgar
6. Mr. Amol Rambhau Arjun
7. Mrs. Shevanta Bai Arjun
8. Mrs. Swati Aldar

....Petitioners

versus

1. The State of Maharashtra
2. Mrs. Seema Nitin Yamgar

....Respondents

Mr. V. P. Puneekar, advocate for the petitioners.

Mr. J. P. Yagnik, APP for the State.

Ms. K. Padmashri i/b. Kulkarni and Associates, advocates for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 6th APRIL, 2015.

P.C.:

The petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Criminal Procedure Code, 1973 for quashing the proceedings of FIR No. 323 of 2013 registered with Govandi Police Station, Mumbai. The said FIR was registered against the petitioners at the instance of respondent No.2 for the offences punishable under sections 498A, 406, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC").

2. Petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the family members of petitioner No.1. Marital dispute between the parties led to filing of civil as well as criminal cases, and the instant petition is one of them. During the pendency of the investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the said criminal case by consent. Respondent No.2 has filed an affidavit dated 1st April, 2015. In paragraph 2(d), she has stated that with the help of her well-wishers, the dispute between the parties is settled and compromise terms are entered into between the parties. Respondent No.2 has given her express consent for quashing and setting aside the proceedings of the above referred FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings arising out of said FIR are quashed and set-aside. She also stated 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.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)