

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

CRIMINAL APPLICATION NO. 1284 OF 2014

Akash Ashok Sawant & Ors.

.. Applicants

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Rajiv Patil i/b S.S. Punde for the applicants

Mr. Ashish Sawant i/b Mr. M.S. Mohite for respondent no.2

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

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 7th JANUARY, 2015.

P.C.

1. Heard learned Counsel for the respective parties. This application is filed under Section 482 of the Cr.P.C. for quashing of criminal proceedings being C.R. No.I-68/2014 registered with Wada Police Station, Thane for offence punishable under Sections 406, 420, 498A, 506(2) r/w 34 of the IPC.

2. The petitioner no.1 and respondent no.2 got married on 12.12.2009. The rest of the petitioners are family members and

relatives of petitioner no.1. Due to the matrimonial dispute between petitioner no.1 and respondent no.2, civil as well as criminal proceedings came to be filed against each other and one of them is C.R. No.I-68/2014, registered with Wada Police Station, Thane, which is filed against the petitioners, at the instance of respondent no.2.

3. The consent terms were filed in the Anticipatory Bail Application, in which respondent no.2 agreed to give consent for quashing of the proceedings of the said C.R. and hence, the present application is filed seeking quashing of aforesaid criminal proceedings.

4. Respondent no.2 has filed an affidavit. In paragraph 3 of the affidavit, she has stated that she has no objection for quashing of C.R. No.I-68/2014 dated 05.05.2014 registered with Wada Police Station, Thane for offence punishable under Sections 406, 420, 498A, 506(2) r/w 34 of the IPC. Respondent no.2 is personally present in the Court. On specific query made by us, she has stated that she has

gone through the affidavit and understood the contents thereof. She has further submitted that she has voluntarily made the affidavit and no undue influence is put on her for making the same. She further submitted that she has no objection for quashing the criminal proceedings being C.R. No.I-68/2014.

5. In view of the settlement of dispute, which is basically of personal nature and in the light of the ratio in the case of ***B.S. Joshi Vs. State of Haryana, AIR 2003, SC 1386***, we are of the considered view that there is no impediment in quashing the criminal complaint.

6. Accordingly, the application is allowed in terms of prayer clause (B).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)