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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5008 OF 2014**

Mr. Dinesh Budhwantlal Munjal and ors.Petitioners

versus

1. The State of Maharashtra

2. Mrs. Ruchi Dinesh MunajRespondents

Ms. Nisha S. Gaikwad, advocate for the petitioners.

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

Mr. Madan Singh Khati, advocate for respondent No.2.

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

DATED : 14th JANUARY, 2015.

P.C.:

The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Criminal Procedure Code, 1973 for quashing the proceeding of regular criminal case No.1226 of 2011 pending before the learned JMFC at Morwadi Court, Pimpri, Pune arising out of FIR bearing CR No.133 of 2011 registered with Sanghvi Police Station at Pune at the instance of respondent No.2 for the offences punishable under sections 498A, 323, 504, 507 read with section 34 of the Indian Penal Code.

2. Respondent No.2 and petitioner No.1 got married on 9th December, 2009. Rest of the petitioners are the family members of

petitioner No.1. Due to marital dispute, civil as well as criminal cases came to be filed. Petitioner No.1 and respondent No.1 filed a petition under section 13-B(1) of the Hindu Marriage Act, 1955 before the Family Court at New Delhi for divorce by mutual consent. Petitioner No.1 and respondent No.2 mutually settled their dispute and, accordingly, Family Court at New Delhi granted divorce by mutual consent. Respondent No.2 has filed an affidavit dated 14th January, 2015. She has reiterated whatever that has been stated hereinabove. In paragraph 8, she has recorded no objection for quashing of 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 criminal case No.1226 of 2011 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.)