

Hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4906 OF 2015

Mahendra Manubhai Gadia and Ors.

..Petitioners

V/s.

State of Maharashtra and anr.

..Respondents

Mrs. Uma K. Wagle for the petitioners.

Mr. K.V. Saste, APP for the State.

Mr. Milind S. Sawant for Respondent no. 2.

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

DATED : 22nd DECEMBER, 2015

P.C. :-

Heard the learned counsel for the respective parties and the learned A.P.P. For the State.

2. This petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure to quash and set aside the FIR bearing CR No.45 of 2015 registered with Goregaon Police Station at the instance of respondent no. 2 for the offence punishable under section 419, 420, 495, 498A read with section 34 of Indian Penal Code.

3. Petitioner No. 3 is ex husband of respondent no. 2. Petitioner no. 1 and 2 are the parents of petitioner no. 3. The matrimonial

dispute between the parties gave rise to the filing of the civil as well as criminal proceedings. The subject matter of the present petition is one of them.

4. Pending the investigation, the parties have settled their dispute amicably. The marriage between the petitioner no. 3 and respondent no. 2 came to be dissolved by the Family Court by mutual consent on 28th October, 2015. In pursuance of the understanding arrived at between the parties, respondent no. 2 has filed an affidavit dated 22nd December, 2015. In para 3 of the said affidavit, she has given no objection to quash the subject FIR. She is personally present in the Court.

5. 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.

Parties to act on authenticated copy of this order.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)