

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 9 OF 2016

Mr. Dinesh Surendra Singh Dhillon	..Applicant
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. H. S. Shinde, advocate for the applicant.
Mr. S. V. Sonavane, APP for the State.
Ms. Nitin Dhandere, advocate for respondent No.2.

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

DATE : 12th JANUARY, 2016.

P. C. :

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

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of C.C.No.1115/PW/2014 pending on the file of learned Metropolitan Magistrate Railway Mobile Court at Andheri, Mumbai. The said case arises out of FIR bearing CR No. 51 of 2014 registered with Meghwadi Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 504 and 506 of the Indian Penal Code, 1860.

3. The applicant and respondent No.2 are husband and wife. Marital discord between the parties gave rise to filing of the subject FIR. After completion of the investigation, charge-sheet is filed and the proceedings are registered as C.C.No.1115/PW/2014. Pending trial, the parties have settled their dispute amicably and, in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 12th January, 2016 wherein she has averred that the dispute between herself and the applicant is amicably settled and, therefore, she has no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the proceedings of the subject criminal case are quashed and set-aside. She also stated that she is giving no objection for quashing the proceedings of the subject criminal case 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 proceedings of the subject criminal case are required to be quashed and set-aside. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]