

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 244 OF 2016

Shri. Rohit Prakash Naikar @ Naiker	...Petitioner
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Anushka A. Shreshtha, for the Petitioner.
Mrs. S.V. Sonavane, APP for the State.
Mr. Kiran C. Shivguppe, for Respondent No. 2.

**CORAM : RANJIT MORE &
S.C. GUPTE, JJ.**
DATE : 4th February 2016

P.C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of the Criminal Case No. 995/PW/2015 pending on the file of learned Metropolitan Magistrate, Court No. 29 at Bhoiwada, Dadar, Mumbai.

The said case arises out of FIR being C.R. No.127 of 2015 registered by Bhoiwada Police Station, at the instance of Respondent No.2, for the offences punishable under Sections 498(A) and 506(II) of the Indian Penal Code, 1860.

3 . Petitioner and Respondent No. 2 are husband and wife. Marital dispute between the parties gave rise to filing of civil as well as criminal proceedings. The subject matter of the present Petition is one of them.

4 . During pendency of trial, the parties to the Petition have settled their dispute amicably and filed Consent Terms in Family Court, Bandra bearing Petition No. A-1671 of 2015. Copy of the Consent Terms are annexed at page 14 of this Petition, and in pursuance of the Consent Terms arrived at between them, parties have approached this Court for quashing the subject Criminal Case by consent.

5 . Respondent No. 2 has filed an Affidavit dated 23rd January 2016. In paragraph 7, she has stated that she does not want to proceed with 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

fully understood the contents thereof and has no objection, if the subject Criminal Case is quashed and set-aside. She also stated that she is giving no objection for quashing the subject Criminal Case out of free will and without there being any pressure or coercion.

6. The Petitioner has also filed an Affidavit dated 23rd January 2016 reiterating the settlement between himself and Respondent No. 2.

7. The Petitioner is also personally present in the Court. On being questioned, he specifically stated that he has gone through the Affidavit and has understood the contents thereof and confirmed the contents of the Affidavit. He also stated that he will comply with the settlement terms.

8. 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 Case 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 subject Criminal Case is required to be quashed. The Petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[S.C. GUPTE, J.]

[RANJIT MORE, J.]