

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 69 OF 2016

Milind Manohar Surve and ors.	..Applicants
Versus	
State of Maharashtra and anr.	..Respondents

Ms. P. A. Thakkar, advocate for the applicants.
Mrs. S. D. Shinde, APP for the State.
Mr. K. H. Kamble, advocate for respondent No.2.

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

DATE : 9th FEBRUARY, 2016.

P. C. :

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C.No.778/PW of 2015 pending on the file of learned Metropolitan Magistrate, 27th Court, Mulund, Bombay. The said case arises out of FIR No.246 of 2005 registered with Navghar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant No.1 and respondent No.2 were married to each other in the year 2003. Rest of the applicants are the family members of the applicant No.1. Marital discord between the parties gave rise to filing of civil as well as criminal cases and the subject matter of the present application in one of them. Pending trial, the parties settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing the proceeding of the aforesaid criminal case by consent. Respondent No.2 has filed an affidavit dated 6th February, 2016. In paragraph 12, she has given her 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 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 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 (b) and is disposed of as such.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]