

hvn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 222 OF 2016**

Shri Mehul Kirit Dasani and Ors. ..Applicants

Versus

State of Maharashtra and anr. ..Respondents

Mr. Ashok Mishra i/by M/s. Solicis Lex for the applicants.

Mrs. M.M. Deshmukh, APP for the State.

Ms. K.H. Rajani for respondent no. 2.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 01 MARCH, 2016.**

P. C. :

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

2. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceeding bearing CC No.1043 of 2014 pending in the Court of Judicial Magistrate, First Class, Vashi, CBD Navi Mumbai registered on the basis of F.I.R. bearing No. 17 of 2014 with the Koparkhairane, Navi Mumbai police station at the instance of respondent No.2 against the applicants for the offences punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code.

3. Applicant No.1 and respondent No.2 are husband and wife and rest of the applicants are family members of applicant No.1. Matrimonial disputes between the parties gave rise to the filing of several criminal cases as well as civil matters. The subject matter of the present petition is one of them.

4. Pending the trial, the parties have amicably settled their dispute and accordingly filed consent terms before the Judicial magistrate, First Class, CBD Navi Mumbai in the Domestic Violence Case. In terms of the said consent terms, the parties have agreed to take divorce by mutual consent. The applicant no.1 also agreed to pay an amount of Rs. 50 lacs to the respondent no.2 by way of full and final settlement. Out of this amount, an amount of Rs.25 lacs was already paid to respondent no.2 and the balance amount of Rs. 25 lacs is being paid today by demand draft. A copy of the said demand draft is taken on record., Respondent no. 2 acknowledged the receipt of the demand draft of Rs. 25 lacs. In terms of this settlement the parties have approached this Court for quashing of the proceedings of the said criminal case. Respondent No.2 has filed an affidavit on 22/02/2016. In paragraph 6, she has stated that she has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 has specifically stated that she has gone through the affidavit and has fully

understood the contents thereof and has no objection if the subject criminal proceedings are quashed. She also states that she is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. 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 proceedings of the criminal case would be in the interest of respondent No.2. Besides that, 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.

5. Accordingly, the Criminal Application is made absolute in terms of prayer clause (b) and is disposed of as such.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]