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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.902 OF 2016

Sachin Durgesh Chheda and Ors.

..Petitioners.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.Yashpal Thakur i/b. PKA Associates for the petitioners.

Mrs.M.M. Deshmukh, APP for respondent-State.

Mr.L.M. Chheda for respondent No.2.

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

DATED : 3RD MARCH, 2016

P.C. :-.

1. Heard learned counsel for the petitioners learned counsel for respondent No.2 and learned A.P.P. for the State.

2. This writ petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing C.R. No.159/2015 registered with Dadar police station, Mumbai at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code.

3. Petitioner No.1 and respondent No.2 are husband and wife and petitioner No.2 is the father of petitioner No.1. Matrimonial disputes between the parties gave rise to the filing of civil and criminal matters. The subject matter of the present petition is one of them.

4. Pending investigation, the parties have amicably settled their dispute and have approached this Court with a memo of understanding as annexed at Exhibit C to the petition which was filed before the Family Court, Bandra, Mumbai in M.J. Petition No.F(L) No.1376/2016. In pursuance to the memo of understanding, they have approached this Court for quashing of the subject F.I.R. by consent. Respondent No.2 has filed an affidavit on 2nd March, 2016. In paragraph 4, she has stated that she has no objection if the subject F.I.R. is quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On query from the Court, 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 F.I.R. is quashed. She also states that she is giving no objection for quashing the subject F.I.R. 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 personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any serious 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, subject F.I.R. is required to be quashed.

6. Accordingly, the petition is made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)