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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.618 OF 2015**

1. Smt. Usha Vijay Narsaria
2. Mrs. Ashish Vijay Narsaria
3. Mrs. Namrata Rathi Applicants.
versus

1. State of Maharashtra
2. Mrs. Neelam Ashish Narsaria Respondents

Mrs. Aparna Ashtivkar i/b Sathyanarayanan for the Applicants.
Ms. S. D. Shinde, APP for the State.
Ms. Pooja Saxena, advocate for respondent No.2.

**CORAM : RANJIT MORE &
A. K. MENON, JJ.**

DATED : 20TH JANUARY, 2016.

P.C.:

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

2. The application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the criminal proceedings bearing No.143/PW/2014 pending on the file of learned Metropolitan Magistrate, 69th Court, At Sewree, Mumbai. The said criminal case arises out of FIR No.184 of 2013 registered with Nagpada Police Station, at the instance of respondent No.2, for offences punishable under Sections 498(A) 406, 34 of the Indian Penal Code, 1860.

3. The Applicant No.2 and Respondent no.2 were married on 29th May, 2010. Marital dispute between the parties gave rise to filing of civil as well as criminal matter. The subject matter of the present application is one of them. Pending trial, the parties have settled their dispute amicably, and filed the consent terms in M.J. Petition No.A-1939 of 2013 pending before the Family Court at Bandra. In terms of this settlement they have obtained divorce by mutual consent. Under the settlement, the Applicant no.2 is obliged to pay Respondent no.2 an amount of Rs.51,00,000/- (Rupees Fifty One lakhs only) towards her claim of the maintenance. This amount is already deposited by the Applicant No.2 with the Family Court and Respondent No.2 is entitled to withdraw the same after quashing of subject proceedings as well as two cases, namely, Sessions Case No.185 of 2014 pending before the Sessions Court at Dindoshi and Criminal Case bearing No.DV/MISC/75/2013 under the provisions of PWDV Act pending before the Metropolitan Magistrate Court No.69 at Sewree, Mumbai. Under the consent terms the parties agreed that Respondent No.2 is entitled to get her streedhan as per clause (e) thereof.

4. In pursuance of an understanding arrived at between them, they have approached this Court for quashing and setting-aside the subject proceedings. Respondent No.2 has filed an affidavit dated 20th January, 2016. A copy of the consent terms is annexed to this affidavit.

In paragraph 6 she has given no objection to quashing and setting aside the subject proceedings. 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 subject proceedings is quashed and set-aside. She also stated that she is giving no objection for quashing the said FIR 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. 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 subject 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 subject proceedings is required to be quashed.

6. The Applicant No.2 is present in the Court. He admit that Respondent No.2 is entitled to withdraw the said amount of Rs.51,00,000/- deposited in the Family Court after quashing the proceedings referred in the consent terms. He also has no objection to

give streedhan referred to in clause (e) of the consent terms to Respondent no.2.

7. The application is, accordingly, made absolute in terms of prayer clause (a). Respondent No.2 is at liberty to apply to the Investigation Officer of C.R.No. 184 of 2013 of Nagpada police station, who shall return streedhan to Respondent No.2 on her making an appropriate application. The application is disposed of.

(A. K. MENON, J.)

(RANJIT MORE, J.)