

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1194 OF 2016

Dr. Varun Gul Bhatia & Ors.

... Petitioners.

V/s.

State of Maharashtra & Anr.

... Respondents.

Mr. Girish Paryani, Advocate for the Petitioners.

Mrs. S. V. Sonawane, APP for the State-Respondent No. 1.

Mr. V. V. Pethe, Advocate, for Respondent No.2.

**CORAM : V. M. KANADE AND
Ms.NUTAN D.SARDESSAI,JJ.**

DATE : 30th NOVEMBER, 2016

P.C. :

1 Heard learned counsel appearing on behalf of the Petitioners, learned counsel appearing for Respondent No.2 and the learned APP for the State.

2 Respondent No.2-Complainant as well as the accused are present in the court. The complainant has filed an affidavit dated 7th October, 2016, wherein it is stated that the parties have amicably settled the dispute and she has withdrawn the complaint filed by her under the Domestic Violence Act and she has no objection if the FIR, which has

been registered under Sections 498A, 406 read with 34 of the Indian Penal Code, is quashed. It is further stated in the affidavit by the complainant that the divorce by mutual consent has already been passed by the learned District Court, Kalyan. The affidavit of the Respondent No.2 is taken on record.

3 In our view, quashing of the complaint will be in the best interest of the wife, firstly, because she is young and can start her life afresh on a clean slate. In our view, therefore, taking into consideration the peculiar circumstances of the case, the ratio of the judgment of the Apex Court in the case of **B. S. Joshi vs. State of Haryana**, reported in (2003) 4 SCC 675 will squarely apply to the facts of the present case.

4 The Criminal Application is, therefore, allowed in terms of prayer clause (a). The Application is disposed of.

(Ms.NUTAN D.SARDESSAI,J)

(V.M.KANADE,J)

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