

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1228 OF 2016

1. Shri. Ashish Satyanarayan Gupta
 2. Shri. Satyanarayan Gupta
 3. Smt. Baby Satyanarayan Gupta
 4. Shri Sushil Satyanarayan Gupta
 5. Smt. Samiksha Sushil Gupta
- ... Applicants

vs.

The State of Maharashtra
(Through Sr.Inspector of Police,
Mahim Police Station)
and another

...Respondents

.....

Mr. Samarth S. Karmarkar for the Applicants.
Mrs. M.H. Mhatre, APP for Respondent No.1-State.
Mr. Jayant Puranik for Respondent No.2.

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

DATE : NOVEMBER 29, 2016

P.C.:

1. Heard the learned counsel appearing on behalf of the applicants and the learned counsel for respondent no.2.
2. This is an application for quashing of the criminal complaint filed by respondent no.2, bearing C.R. No. 203 of 2014 registered with Mahim Police Station for the offences punishable under Sections 498A and 406 r/w 34 of the Indian Penal Code. Respondent no. 2 has filed an affidavit in reply stating therein that she has no objection if

the complaint is quashed. The parties have amicably settled the dispute in the Court of Judicial Magistrate First Class, Dahanu. The applicant has paid the amount demanded by respondent no.2. We have interviewed respondent no.2 as well as her mother. Respondent no. 2 has no objection if the complaint is quashed. She has received part of the amount which was paid by the applicant/husband. We are of the view that quashing of the criminal complaint is, to a large extent, in the best interest of respondent no.2-wife since she is just 25/26 years old and if the complaint is quashed, she can start her life afresh. The affidavit in reply filed by respondent No.2 is taken on record.

3. Taking an overall view of the matter and taking into consideration the judgment of the Supreme Court in the case of ***B.S. Joshi vs. State of Haryana***, reported in ***(2003) 4 SCC 675***, we allow the Criminal Application in terms of prayer clause (c).

4. The Criminal Application is accordingly disposed of.

(Ms. NUTAN D. SARDESSAI, J.)

(V. M. KANADE, J.)