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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4867 OF 2015

Chhedilal Ramnarayan Patwa and Ors.	..Petitioners
V/s.	
The State of Maharashtra and Ors.	..Respondents

WITH

WRIT PETITION NO. 4868 OF 2015

Sunil Chhedilal Patwa	..Petitioner
V/s.	
The State of Maharashtra and Ors.	..Respondents

Mr. Vishal M. Deshmukh for the petitioners.

Mr. J.P. Yagnik, APP for the State.

Ms. Reena R. Mishra for respondent no. 2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : 15th JANUARY, 2016**

P.C. :-

Both the petitions are being disposed of by this common order as it arises out of the same FIR. The Petitioners in WP No. 4867 of 2015 are in laws of respondent no.2 Mrs. Roshani Patwa and petitioner in WP No. 4868 of 2015 is the husband of said Roshni Patwa. Both the petitions are filed for quashing of the FIR in CR No. 684 of 2014 registered initially with Manikpur Police Station which was subsequently transferred to Powai Police Station at the instance of respondent no.2 Roshani Patwa.

2. The petitioner in WP No. 4868 of 2015 Sunil Patwa and

respondent no.2 Roshani Patwa married on 7th March, 2011. The marital dispute gave rise to the filing of civil as well as criminal proceedings.

3. Pending investigation, the parties have amicably settled their dispute and decided to obtain divorce by mutual consent. In pursuance of an understanding arrived at between them, have approached this Court for quashing of the subject F.I.R. registered with Powai Police Station by consent. Respondent No.2 has filed an affidavit on 14th January, 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 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 FIR 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.

4. 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 / subject F.I.R. is required to be quashed.

5. Accordingly, both the petitions are made absolute in terms of prayer clause (i) and are disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)