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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1332 OF 2015

Omprakash Puri

..Applicant.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mrs.Jalaja Nambiar for the applicant.

Mr.J.P.Yagnik, APP for respondent-State.

Ms.Maya B. Idnani for respondent No.2.

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

DATED : 1ST FEBRUARY, 2016

P.C. :-

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

2. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal case No.516/PW/2014 pending on the file of Additional Chief Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai. The said case arises out of F.I.R. bearing C.R. No.290/2013 registered with Versova police

station, Mumbai at the instance of respondent No.2 against the applicant for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code.

3. The applicant and respondent No.2 are husband and wife. Matrimonial disputes between the parties gave rise to the filing of several criminal cases as well as civil matters. The subject matter of the present application is one of them.

4. Pending trial, the parties however settled their disputes and they have obtained a decree for judicial separation from Family Court, Bandra, Mumbai. The parties have accordingly approached this Court for quashing the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 20th January, 2016. In paragraph 4 she has stated that she has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject criminal

case is quashed. She also stated that she is giving no objection for quashing the said proceedings 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 **Narinder Singh V/s. State of Punjab [2014 AIR SCW 2065]**, we find 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 criminal case No.516/PW/2014 pending on the file of the learned Additional Chief Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai is required to be quashed. However, at the same time, cost needs to be saddled as considerable time has been spent in investigation of the case by police.

6. Accordingly, the application is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the applicant, to be deposited with Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes and thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

7. Subject to the above, the criminal application stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)