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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4956 OF 2015

Bhavesh Jayanti Sondarva and Ors

..Petitioners.

V/s.

The State of Maharashtra and Ors.

..Respondents.

Mr.Pramod Kelwar i/b. D.C. Patankar for the petitioners.

Mrs.U.V.Kejriwal, APP for respondent-State.

Mr.Sagar Talekar for respondent No.2.

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

DATED : 26TH FEBRUARY, 2016

P.C. :-

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

2. This petition is filed under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing C.R. No.131/2015 registered with the Tardeo police station, Mumbai at the instance of respondent No.2 against the respondents for the offence punishable under Sections 498A, 406, 323, 504 and

506 read with Section 34 of the Indian Penal Code.

3. Petitioner No.1 and respondent No.2 are husband and wife and rest of the petitioners are family members of petitioner No.1. 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 petition is one of them.

4. Pending investigation, the parties have amicably settled their dispute and in pursuance of an understanding arrived at between them, have approached this Court for quashing of the subject F.I.R. by consent. Respondent No.2 has filed an affidavit on 26th February, 2016. In paragraph 3, 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 query from the Court, 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 F.I.R. 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.

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 **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 F.I.R. is required to be quashed.

6. Accordingly, the petition is made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)