

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATIN NO. 1367 OF 2015

Mr. Sumeet Subash Bagadia and ors.	..Applicants
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. Prashant G. Badole, advocate for the applicants.
Mr. K. V. Saste, APP for the State.
Mr. Sushil Upadhyay i/b. Mr. Vikas Singh, advocate for respondent No.2.

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

DATE : 7th JANUARY, 2016.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of criminal case bearing CC No.1752/PW/2014 pending on the file of Metropolitan Magistrate, 68th Court, Borivali, Mumbai. The said case arises out of FIR bearing CR No. 207 of 2013 registered with MHB Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 406, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant No.1 and respondent No.2 were married to each other on 30th November, 2012. The applicant Nos. 2 and 3 are the family members of the applicant No.1. Marital discord between the parties gave rise to filing of the subject criminal case. Pending trial, the parties filed a petition for divorce by mutual consent and have obtained decree of divorce under Section 13(B) of the Hindu Marriage Act, 1955. They have, accordingly, approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 7th January, 2016. In paragraph 3, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the proceedings of the subject criminal case are quashed and set-aside. 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.

4. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. 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 criminal proceedings would be in the interest of respondent No.2. Besides, 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 proceedings of the subject criminal case are required to be quashed and set-aside. The application is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]