

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 67 OF 2016

Mr. Siddharth Ravinder Jain and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Ranvir Shekhawat along with Mr. Jagdish Choudhary i/b. Raj Legal,
advocates for the petitioners.
Mr. V. B. Konde-Deshmukh, APP for the State.
Mr. A. K. Chouhan, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
PRAKASH D. NAIK, JJ.**

DATE : 11th OCTOBER, 2017.

P. C. :

Mr. Shekhawat, learned counsel for the petitioners, at the outset, seeks leave to amend the prayers of the petition so as to add details of the criminal case proceedings. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

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

3. The petition is filed for quashing and setting-aside the proceedings of the criminal case No.733/PW/2016, pending on the file of the learned Additional Chief Metropolitan Magistrate, 64th Court at Esplanade, Mumbai. The said case arises out of registration of FIR No.161 of 2015 with Cuffe Parade Police Station at the instance of the

respondent No.2 for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860.

4. The petitioner No.1 and respondent No.2 are husband and wife. The petitioner Nos.2 and 3 are the parents of the petitioner No.1. Matrimonial dispute between the parties gave rise to filing of several civil and criminal proceedings and the subject proceeding is one of them.

5. Pending trial of the said criminal case, the parties settled their dispute amicably with the help of elders and relatives and have entered into consent terms dated 14th September, 2017. A copy of the said consent terms was taken on record on 22nd September, 2017 and marked "X" for identification. Under sub-clauses (xv) and (xvi) of Clause 3 of the consent terms, the details in respect of the payments to be made by the petitioner No.1 to respondent No.2 towards permanent alimony and maintenance are recorded. The said amount has to be paid in staggered manner as contemplated in sub-clauses (xv) and (xvi) of the Clause 3 of the consent terms. So far as the petitioner No.1 is concerned, he has signed and accepted the consent terms which have been endorsed by Mr. L. Krishnamurthy, Consul (CPV) Consulate General of India, New York, USA and bear registration No. USANC 0766217 dated September 14, 2017. The said consent terms bear the stamp of Mr.Zinash A. Craig, Notary Public, State of New York. In so far as

respondent No.2 is concerned, the consent terms have been accepted by her before Mr. M. S. Upadhyay, Notary, Government of India and bear registration No.1311/17 P.138 dated 19th September, 2017.

6. The respondent No.2 has also filed a separate affidavit dated 19th September, 2017. In paragraph 3 thereof, she has reiterated that the dispute between herself and the petitioners has been resolved and as such consent terms are entered into between herself and petitioner No.1. In paragraph 4 thereof, she has given her no objection for quashing and setting-aside the proceedings of the criminal case. The respondent No.2 is personally present before the Court. The respondent No.2 is identified by her lawyer - Mr. A.K.Chouhan. On being questioned, she specifically stated that she has gone through the petition, affidavit and the consents terms and have fully understood the contents thereof. She further stated that since the dispute between herself and the petitioner No.1 is settled, she does not want to continue with the proceedings of the subject criminal case. She confirmed that she has given no objection for quashing the subject criminal case out of her own free will and without there being any pressure or coercion.

So far as petitioners are concerned, they are in the USA. The petitioner No.1 as stated above, has signed the consent terms. His signature is identified by his lawyer – Mr. Ranvir Shekhawat. The petitioner No.1's cousin sister -Ms.Anju Jain is present before the Court

in compliance with the order dated 22nd September, 2017 and she has vouchsafed the signature and consent terms on behalf of the petitioner No.1. Ms. Anju Jain is identified by her Aadhar Card. The respondent No.2 confirmed the relationship between Ms.Anju Jain and petitioner No.1. Thus it can be seen that the dispute between the parties is settled. The undertakings in the consent terms are accepted.

7. 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 petition is, accordingly, made absolute in terms of prayer clauses (b) and (b-1) and is disposed of as such.

(PRAKASH D. NAIK, J.)

[RANJIT MORE, J.]