

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.824 OF 2017

Yogeshkumar P. BaldotraPetitioner
versus
1. The State of Maharashtra
2. Rakhee Yogeshkumar Choudhary BaldotraRespondents
and

CRIMINAL WRIT PETITION NO.105 OF 2015

Nitin Manmohan Sharma and ors.Petitioners
versus
1. The State of Maharashtra
2. Rakhee Yogeshkumar Choudhary BaldotraRespondents

Mr. Sanjay Bhojwani, advocate for the petitioners.
Mr. J. P. Yagnik, APP for the State.
Mr. Amarjit Prasad i/b. Mr. Ravi Bhardwaj, advocate for the respondent
No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 22nd JUNE, 2017.

P. C. :

Mentioned for production. Upon mentioning, taken up on
production board.

2. Heard the learned counsel for the petitioners and respondent
No.2 respectively and learned APP for the State.

3. The petitioner and respondent No.2 in writ petition No. 824 of
2017 are husband and wife and the petitioners in writ petition No.105 of

2017 are the in-laws of the respondent No.2. Since both the petitions arise out of the same FIR, they are being disposed of by a common order.

3. The petitions are filed for quashing the proceedings of the criminal case bearing RCC No.2687 of 2013 pending on the file of the learned JMFC, Shivaji Nagar Court at Pune. The said case arises out of registration of FIR bearing CR No.89 of 2012 with Vimantal Police Station at Pune at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 498, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

4. The petitioner - Yogeshkumar P. Baldotra and respondent No.2 - Rakhee Yogeshkumar Choudhary Baldotra are husband and wife. Rest of the petitioners are the relatives of the petitioner-husband. Matrimonial dispute between the parties gave rise to filing of several civil and criminal cases and the subject matter of the present petition is one of them.

5. Pending trial, the parties settled their dispute amicable and have filed consent terms in the Family Court at Pune in Petition being P.A. No.1137 of 2016. In the said consent terms, the parties have agreed

to obtain divorce by mutual consent and they have also agreed to withdraw the cases filed by them against each other. In pursuance of the understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.2 has filed separate affidavits dated 29th April, 2017, wherein she has given permission for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petitions and the affidavits as well and has understood the contents thereof. She further confirmed that she is giving no objection for quashing the proceedings of the subject criminal case 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 proceedings of the subject criminal case 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. Both the petitions are, accordingly, made absolute in terms of prayer clause (i) and are disposed of as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]