

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.359 OF 2017

Mr. Sunil Narsingh Bhakt & Ors.] ... Petitioners

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. P. B. Kakade for Petitioners.

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

Mr. S. R. Karpe for Respondent No.2.

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

DATE :- 13 JUNE, 2017

P. C. :-

1. Heard the learned Advocate for petitioners, the learned Advocate for respondent no.2 and the learned APP.

2. The petition is filed for quashing and setting aside the criminal proceedings being R.C.C. No.271 of 2014 pending before the learned Chief Judicial Magistrate at Thane, arising out of C.R.No.I-18 of 2014 registered with Rabodi Police Station, Thane, for the offence punishable under Section 498A r/w 34 of IPC. The said complaint was registered at the instance of the respondent no.2 against the petitioners for the offence punishable under Section 498A r/w 34 of IPC.

3. The petitioner no.1 and the respondent no.2 married on 24/05/2011. The petitioner nos.2 to 4 are the in-laws of the respondent no.2. The marital discord between the parties gave rise to filing civil as well as criminal proceedings. The subject case is one of them.

4. Due to intervention of relatives and friends, the dispute between the parties is amicably settled and in pursuance of understanding arrived at between the parties, they have approached this Court for quashment of the subject criminal case by consent.

5. The petitioner no.1 has filed an affidavit dated 13/06/2017. In paragraph 2 of the said affidavit, the petitioner no.1 has stated that the dispute between him and the respondent no.2 has been settled amicably and accordingly he has agreed to pay a sum of Rs.2,00,000/- to the respondent no.2 towards full and final settlement of the respondent no.2's claim. In paragraph 5, he has stated that he has agreed and consented for dissolution of marriage with the respondent no.2 and he has no objection for the decree of divorce to be granted by the learned Principal Judge, Family Court at Thane in the Divorce Petition No.A-164 of 2014.

6. The respondent no.2 has also filed her separate affidavit dated 13/06/2017. In paragraph 4 of the said affidavit, she has stated that she has received a sum of Rs.2,00,000/- from the petitioner no.1 towards full and final settlement of the claim. In paragraph 6 of the

affidavit, she has given consent for granting divorce in Divorce Petition No.A-164 of 2014 pending before the learned Principal Judge, Family Court at Thane. In paragraph 5, she has specifically stated that she is not interested in prosecuting the petitioner no.1 and others in the subject criminal case and therefore, she gives no objection for quashing and setting aside the same. The respondent no.2 is present in Court. On a specific query, she says that she has gone through the contents of the petition and she has no objection to quash and set aside the proceedings of the subject criminal case against the petitioners. She has also stated she has given consent out of her free will and without any force or coercion.

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 Vs. State of Haryana*¹, we are of the view that quashing of the proceedings of the 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 subject FIR is required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ AIR 2003 SC 1386