

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.614 OF 2017

Dr. Sachin Hari Deshpande & Ors.] ... Petitioners

Versus

Dr. Mamta Sachin Deshpande & Anr.] ... Respondents

Mr. S. A. Ghaisas for Petitioners.

Ms. Ayodhya Patki for Respondent No.1.

Mrs. A. S. Pai, APP for State – 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.1 and the learned APP.

2. The petition is filed for quashing and setting aside the criminal proceedings being R.C.C. No.485 of 2014 pending before the J.M.F.C., Court No.7, at Nashik. The said case arises out of C.R.No.45 of 2013 registered with Sarkarwada Police Station, Nashik, for the offences punishable under Sections 498A, 406, 354, 323, 504, 506 and 495 r/w 34 of IPC. The respondent no.1 and the petitioner are husband and wife. The rest of the petitioners are the in-laws of the respondent no.1.

3. The matrimonial discord between the parties gave rise to filing civil as well as criminal cases. The subject FIR is one of them. During the pending trial of the said criminal case, the parties, with the help of the mediator appointed in the Family Court at Nashik, in P.A.No.170 of 2015, entered into a settlement deed which is at Exh.D, page 31. Under the settlement deed, the parties agreed to obtain divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. The respondent no.1 agrees to withdraw the subject criminal case and accordingly the present petition is filed for quashing the proceedings in the subject criminal case, by consent.

4. The respondent no.1 has also filed an affidavit dated 09/02/2017. In para 4 of the affidavit, she has stated that under the above-referred settlement terms, she has agreed to give consent for quashing and setting aside the subject FIR and subject criminal case. She has also stated that she has no objection to quash the subject criminal case. The respondent no.1 is present before the Court. On a specific query, she says that she has gone through the contents of the consent terms and the affidavit. She reiterates the contents thereof and states that she has no objection to to quash and set aside the proceedings of the subject criminal case against the petitioners. She has also stated that she has given consent out of her free will and without any force or coercion.

5. The petitioner no.1 is also present before the Court and he states that he undertakes to comply with the consent terms and the undertaking is accepted.

6. 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 (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ AIR 2003 SC 1386