

with Marine Drive Police Station, Mumbai at the instance of respondent No.2 for the offences punishable u/s 498-A, 406 r/w 34 of the Indian Penal Code.

3. The applicant No.1 and the respondent No.2 are the husband and wife. The applicant Nos.2 and 3 are the parents of the applicant No.1. The matrimonial dispute between the parties gave rise to civil as well as criminal proceedings. The subject matter of the present application is one of them.

4. Pending trial, the parties have settled their dispute amicably and accordingly filed consent terms in the subject criminal case. Since the offence u/s 498-A is not compoundable, they approached this Court by invoking jurisdiction u/s 482 of Cr.P.C. for quashing the criminal proceedings by consent. The respondent No.2 has filed an affidavit dated 23/02/2017. In paragraph No.10 she has given no objection for quashing and setting aside the subject criminal proceedings.

5. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has

gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject proceedings are quashed and set aside. She has also stated that she is giving no objection for quashing the subject proceedings out of free will and without there being any pressure or coercion.

6. The applicant No.1 is also present in the Court. On specific query he states that he has complied with the consent terms referred above. Statement is 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 vs. 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 subject criminal proceedings are required to be quashed and set aside. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

8. At this stage, the learned counsel for the respondent No.2 submits that bailable warrant is issued against the respondent No.2 in the subject criminal case. Since the subject criminal case is quashed by this Court, the bailable warrant stands cancelled.

(A. S. GADKARI, J.)

(RANJIT MORE, J.)