IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.293 OF 2017

Prafull Yuvraj Veer.] … Applicant

Versus

The State of Maharashtra & Anr.] … Respondents

Mr. G. K. Gole for Applicant.
Mr. N. B. Patil, APP for State.
Ms. Meghna A. Gowalani for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 13 JUNE, 2017

P. C. :-

1. Mr. Gole, the learned Advocate for applicant, at the outset, seeks leave to amend the prayer cause so as to add Sessions Case number. Leave granted. Necessary amendment shall be carried out forthwith.

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

3. The criminal application is filed for quashing and setting aside the criminal proceedings of Sessions Case No.26 of 2015 pending on the file of the Spl. Judge / Additional Sessions Judge at Khed, District Ratnagiri. The said case arises out of C.R.No.14 of 2015 registered at Dapoli Police Station, District Ratnagiri. The said FIR is registered against the applicant at the instance of respondent no.2 for the offences punishable under Sections 363, 366, 384, 353, 332, 354, 325 and 500 r/w 34 of the IPC; so also under Sections 3 (1), (11) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Due to intervention of relatives and friends, the dispute between the parties is amicably settled and thereafter the present petition is filed for quashing the subject criminal case by consent.

5. By way of a praecipe, the above application was placed on the production board before this Court on 20/03/2017. Both applicant and the respondent no.2 made a statement that they will give notice of marriage as contemplated by the Special Marriage Act, 1954 and as soon as the notice period is over, they intend to get married. The said statement was accepted and the matter was adjourned on 27/04/2017 under the caption of 'Settlement'.

6. The learned Counsel for applicant today placed on record a marriage certificate between the applicant and the respondent no.2. The said certificate is issued on 24/04/2017 by the Marriage Officer,

Thane. The certificate shows that the applicant and the respondent no.2 got married. Both the applicant and the respondent no.2 are present before the Court. On specific query, they state that they have got married. The respondent no.2 further states that they do not want to continue with the subject proceedings of Spl. Sessions Case No.26 of 2015 pending on the file of the Special Judge / Additional Sessions Judge at Khed, District Ratnagiri.

7. The respondent no.2 has also filed her separate affidavit dated 15/03/2017. Copy of the affidavit is already annexed to the petition at page 320. In para 6, she has stated that she does not desire to continue with the applicant's prosecution and accordingly does not wish to proceed with the subject subject C.R. The respondent no.2 who is present in Court, on a specific query, also states that in view of the marriage between her and the applicant, she has no objection to quash and set aside the proceedings of the subject criminal case against the applicant. She has also stated she has given consent out of her free will and without any force or coercion.

8. 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

1 AIR 2003 SC 1386

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 and further proceedings are 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.)**