

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.308 OF 2017

Pralhad Jagish Gaonkar & Ors.] ... Applicants

Versus

State of Maharashtra & Anr.] ... Respondents

Mr. V. V. Pethe for Applicants.

Mr. N. B. Patil, APP for State.

Mr. Milind S. Prabhune i/b S. S. Aradhye for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 23 JUNE, 2017

P. C. :-

1. At the oral request of the learned Advocate for the applicants, leave to amend the petition is 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 being C.C.No.945/PW/2015 pending

on the file of the learned Metropolitan Magistrate, 13th Court, Bhoiwada, Mumbai. The said case arises out of C.R.No.156 of 2015 registered with R.A.K. Marg Police Station, Mumbai. The said FIR is registered against the applicants at the instance of the respondent no.2 for the offences punishable under Sections 498A, 406 and 377 r/w 34 of the IPC.

4. The applicant no.1 and the respondent no.2 got married on 28/11/2013. The applicant nos.2 and 3 are the parents of the applicant no.1. The marital discord between the parties gave rise to the civil as well as criminal proceedings. The subject criminal case is one of them.

5. Pending trial of the subject case, the parties settled their dispute amicably and accordingly, terms of settlement were arrived at between the parties before the Family Court at Bandra, Mumbai, in Petition No.A-788 of 2015. In pursuance of the terms of settlement, the marriage between the applicant no.1 and the respondent no.2 is dissolved resorting to the provisions of Section 13-B of the Hindu Marriage Act, 1955 in terms of Clause (e) of the terms of settlement in the Family Court. The respondent no.2 agreed to give no objection for quashing and setting aside the subject F.I.R.

6. The learned Advocate for the applicants also placed on record the decree of dissolution of marriage between the applicant no.1 and the respondent no.2 for our perusal.

7. The respondent no.2 has also filed an affidavit dated 21/06/2017. In para 3 of the said affidavit, she has given no objection to quash and set aside the subject F.I.R.. The respondent no.2 is personally present before the Court. On a specific query, she states that she has gone through the contents of the petition and the affidavit and understood the same. She has also stated that she has no objection to quash and set aside the subject criminal case. She has also stated that she is giving the no objection 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 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 (a) and is disposed of as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ AIR 2003 SC 1386