

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1229 OF 2017**

Shri Ravi Bajaj and anr. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Ms. Poonam Ankleshwaria i/b. Mr. Parag Shah, advocate for the petitioners.
Mrs. Aruna S. Pai, APP for the State.
Mr. P. P. Avichal, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
PRAKASH D. NAIK, JJ.**

DATE : 5th OCTOBER, 2017.

P. C. :

Ms. Ankleshwaria, learned counsel for the petitioners, at the outset, made a statement that petitioner No.2 has expired. In view of the said statement, the learned counsel for the petitioner is directed to delete the name of the petitioner No.2.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The writ petition is filed under Article 226 of the Constitution of India for quashing and setting-aside the proceedings of criminal case bearing CC No.964/PW/2016 pending on the file of the learned

Metropolitan Magistrate, 62nd Court at Bhoiwada, Dadar, Mumbai. The said case arises out of FIR bearing CR No. 120 of 2016 registered with Worli Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

4. The petitioner No.1 and respondent No.2 are husband and wife. Marital discord between the parties gave rise to filing of civil and criminal cases and the subject case is one of them. Pending trial of the subject criminal case, the parties settled their dispute amicably and have, accordingly, filed consent terms before the Family Court at Bandra in Matrimonial Petition No.A-1232 of 2016, a copy of which is annexed at "Exhibit B", page 68. In terms of an understanding arrived at between the parties, they have approached this Court for quashing the proceedings of the subject criminal case by consent.

5. The respondent No.2 has, accordingly, filed an affidavit dated 16th March, 2017. In paragraph 6, she has stated that all the disputes and differences between herself and petitioner No.1 have been amicably settled and, therefore, she does not desire to prosecute her complaint any further. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through

the petition, consent terms and the affidavit and has fully understood the contents thereof. Both the petitioner and respondent No.2 have undertaken to comply the terms and conditions of the consent terms. The said undertaking is accepted. In the light of the above, the respondent No.2 specifically stated that she has no objection if the proceedings of the subject criminal case are quashed and set-aside.

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 versus 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 proceedings of the subject criminal case are required to be quashed and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (i) and is disposed off as such.

(PRAKASH D. NAIK, J.)

[RANJIT MORE, J.]