

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.363 OF 2017

Sandeep Dunda Dhangar and others	Applicants
versus	
The State of Maharashtra and another	Respondents

Ms.Nidhi Datiya i/by Rajeev Sawant & Associates for Applicants.
Mrs.M.H.Mhatre, APP, for State.
Mr.Dharmaveer S. Tripathi for Respondent no.2.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 12th April 2017

PC :

1. The complainant-wife has filed an affidavit granting consent to quash C.R.No.I-15/2017 registered with Bhivandi Taluka Police Station, District Thane. The offences alleged are punishable under Sections 498A, 504, 506 and 406 of Indian Penal Code. In her consent affidavit at page 34, paragraph no.2, she has stated that she and her husband-Applicant no.1, have agreed to resume co-habitation as husband and wife in the interest of minor child. They are ready and willing to set aside their differences and forget the past so as to resume this cohabitation.

2. It is this statement made on oath in an affidavit dated 21st March 2017 in English language which prompted us to orally direct the second Respondent-wife to remain present before an officer of

this Court. That officer of the Court was to interpret and explain the contents of this affidavit dated 21st March 2017 in English to her so that she realizes that acceptance of her statement on oath, would result in quashing of criminal proceedings and giving up of all claims against husband and in-laws.

3. The wife is present before us. On our questioning, she has stated that she has understood the legal consequences and implications of this affidavit. The contents of affidavit dated 21st March 2017 were duly explained and interpreted to her. She states that she has filed this affidavit and signed it without any pressure or force from anybody. Her consent is free and unconditional.

4. It is in these circumstances and facts peculiar to this case that we quash the criminal proceedings. They are quashed essentially because they arose out of a family dispute between husband and wife. Larger interest of society is not affected much less adversely affected. The application is, therefore, made absolute in terms of prayer clause (a) and FIR No.I-15/2017 registered with Bhiwandi Taluka Police Station for offences punishable under Sections 498A, 504, 506 and 406 of IPC stands quashed and set aside. No order as to costs.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)