

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1315 OF 2017

Mr. Amol Ashok Thorat & Ors.] ... Petitioners

Versus

1. State of Maharashtra,]
2. Mrs. Sujata Amol Thorat.] ... Respondents

Mr. Shantanu Chandratre for Petitioners
Mr. N. B. Patil, APP for State.
Mr. R. D. Gude for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 6 JULY, 2017

P. C. :-

1. Mr. Shantanu Chandratre, the learned Advocate for petitioners, at the outset, seeks leave to amend the prayer clause so as to add C. C. number. Leave granted. Necessary amendment shall be carried out forthwith.

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

3. The petition is filed for quashing and setting aside the criminal proceedings of C. C. No.118 of 2015 pending on the file of learned Judicial Magistrate First Class, Nashik Road. The said case arises out of C.R.No.20 of 2013 registered at Ambad Police Station, District Nashik. The said FIR is registered against the petitioners at the instance of the respondent no.2 for the offences punishable under Sections 498A, 406, 420, 323, 504 and 506 r/w 34 of the IPC.

4. The petitioner no.1 and the respondent no.2 got married on 18/03/2012. The rest of the petitioners are the relations of the petitioner no.1. The marital discord between the parties gave rise to filing civil as well as criminal proceedings. The subject case is one of them.

5. Pending trial, the parties settled their dispute amicably and accordingly entered into Consent Terms dated 07/01/2017, the copy of which is annexed at Exh.'C'. In terms of the Consent Terms, the petitioner no.1 and the respondent no.2 have obtained the Decree of Divorce by mutual consent from the Family Court at Nashik in Petition No.244/2015. The parties now have approached this Court for quashing and setting aside the subject criminal case by consent, in the light of the settlement arrived at between them.

6. The respondent no.2 has also filed her separate affidavit dated 06/07/2017. In para (c), she has stated that she has no objection if the prayers in the petition are granted. The respondent

no.2 who is present in Court, on a specific query, states that she has gone through the petition and the affidavit and she has understood the contents thereof and she has no objection to quash and set aside the proceedings of the subject criminal case against the petitioners. She has also stated she has given consent out of her free will and without any force or coercion.

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*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