

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1362 OF 2017

Aashish Mudbidri and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Ms. Edith Dey, advocate for the petitioners.
Mr. N. B. Patil, APP for the State.
Ms. Chandrani Prasad, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 29th JUNE, 2017.

P. C. :

Mentioned for production. Upon mentioning, taken up on production board.

2 Heard Ms. Dey, learned counsel for the petitioners, Mr. Prasad, learned counsel for the respondent No.2 and Mr. Patil, learned APP for the State.

3 The petition is filed for quashing and setting-aside the proceedings of C.C.No.1315/PW/2014 pending on the file of the learned Additional Chief Metropolitan Magistrate, 60th Court at Kurla, Mumbai. The said case arises out of registration of FIR being CR No.12 of 2014 registered with Chunabhatti Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

4 The petitioner No.1 and respondent No.2 were married on 24th February, 2004. The petitioner Nos.2 and 3 are the parents of the petitioner No.1. Matrimonial dispute between the parties gave rise to filing of civil and criminal cases and the subject matter of the present petition is one of them.

5 Pending trial, the parties settled their dispute amicably and have entered into Memorandum of Understanding(MOU), a copy of which is annexed at "Exhibit B" to the petition. A common statement is made by the learned counsel appearing for the respective parties that in terms of the MOU, the Family Court at Noida, has dissolved the marriage of the petitioner No.1 and respondent No.2. A common statement is also made that in terms of the MOU, the petitioner No.1 has paid to respondent No.2 a total amount of Rs.40,00,000/- towards full and final settlement of her claim. The parties, in pursuance of an understanding arrived at between them, have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent.

6 Respondent No.2 has filed an affidavit dated 24th April, 2017. In paragraph 6 thereof, she has given her no objection for quashing and setting-aside the criminal proceedings arising out of the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition

and affidavit as well and has understood the contents thereof. She has further confirmed that that she is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure 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 versus State of Haryana AIR 2003 SC 1386**, we are of the view that quashing of the proceedings of the subject 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 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 (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]