

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1630 OF 2017

Rajesh Popatrao Shinde	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. A. P. Pawar, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Sai Chaugule, advocate for respondent No.2.

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

DATE : 9th JUNE, 2017.

P. C. :

Learned counsel for the petitioner, at the outset, seeks oral leave to amend the prayer clause of the petition. Leave as prayed for, is granted. Necessary amendment to be carried out forthwith.

2. Heard learned counsel for the petitioner, learned counsel for respondent No.2 and learned APP for the State.

3. The petition is filed for quashing the proceedings of R.C.C.Case No.702 of 2016 pending on the file of JMFC, 6th Court at Nashik. The said case arises out of registration of FIR bearing C.R.No.96

of 2016 with Sarkarwada Police Station, Nashik City, Nashik, at the instance of respondent No.2 against the petitioner for offences punishable under Sections 498-A, 406, 323 and 504 of the Indian Penal Code, 1860.

4. The petitioner and respondent No.2 got married on 3rd June, 2013. Differences between the parties gave rise to matrimonial dispute, which resulted in filing of civil and criminal cases and the instant case is one of them.

5. Pending trial, the parties settled their dispute amicably and have filed consent terms in the Family Court at Nashik in Petition No.A-466/2015. A copy of the said consent terms is annexed at Exhibit C, page 65. In sub-clause (ii) at page 67, respondent No.2 has agreed to give consent for quashing the subject FIR. Respondent No.2 has also filed an affidavit dated 31st May, 2017. In paragraphs 6 and 7 therein, she has given her "No Objection" for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has "No Objection" if the proceedings of the subject criminal case are quashed and set-aside. She also stated that she is giving no objection

for quashing the proceedings of the said criminal case out of free will and without there being any pressure or coercion.

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 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 proceedings of R.C.C.Case No.702 of 2016 pending on the file of JMFC, 6th Court at Nashik, arising out of registration of FIR bearing C.R.No.96 of 2016 with Sarkarwada Police Station, Nashik City, Nashik, are quashed and set-aside. The writ petition is, accordingly, disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]