

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL APPLICATION NO.436 OF 2017**

Shri Ajit Babaji Suvare & Ors.] ... Applicants

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. M. J. Bandgar for Applicants.

Mrs. M. H. Mhatre, APP for State.

Ms. Kalyani M. Bane for Respondent No.2.

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

DATE :- 23 JUNE, 2017

P. C. :-

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

2. The petition is filed for quashing and setting aside the proceedings in case no.839/PW/17 pending before the Metropolitan Magistrate, Railway Mobile Court, Andheri (East), Mumbai. The said case arises out of registration of F.I.R. bearing C.R.No.464 of 2015 with Oshiwara Police Station, Mumbai, at the instance of the respondent no.2, for the offences punishable under Sections 498A, 354, 406, 504 and 506 r/w 34 of the IPC.

3. Pending trial of the subject criminal case, the parties settled their dispute amicably and accordingly filed M. J. Petition No. F/1579 of 2016 before the Family Court at Bandra, for dissolution of the marriage.

4. In terms of the settlement arrived at between the parties, they have approached this Court for quashing and setting aside the subject criminal case by consent. The respondent no.2 has filed an affidavit dated 23/06/2017. In para 5, she has given no objection for quashing the proceedings of the subject criminal case. The respondent no.2 is personally present in Court. On a specific query, she states that she has gone through the contents of the petition and the affidavit and she has no objection to quash and set aside the proceedings of the subject criminal case against the applicants. She has also stated she has given consent out of her free will and without any force or coercion.

5. 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

¹ AIR 2003 SC 1386

matter and in the interests of justice, the subject F.I.R. 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.)