

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1775 OF 2017**

Shailesh Bharat Belvalkar and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Ms. Pravina J. Kanani, advocate for the petitioners.
Mrs. Aruna S. Pai, APP for the State.
Ms. Leena Sapra, advocate for respondent No.2

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 4th MAY, 2017.

P. C. :

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

2. The petition is filed for quashing the proceedings of Criminal Case No.244/PW/2017 pending on the file of learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai. The said case arises out of registration of FIR No.26 of 2015 with L. T. Marg Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 498A and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.2 are husband and wife. Petitioner No.2 is the mother of petitioner No.1. Matrimonial dispute between petitioner No.1 and respondent No.2 resulted in filing of the aforesaid FIR as well as divorce proceedings. During the pendency of these proceedings, the parties have settled their dispute and filed consent terms in petition No.893 of 2017 filed by respondent No.2 against the petitioner No.1 for divorce in the Family Court at Bandra. The consent terms are annexed at "Exhibit-D". In terms of clause (1) of the consent terms, respondent No.2 agreed to give consent for quashing of the subject criminal case. In terms of these consent terms, the instant petition is filed for quashing the proceedings of the subject criminal case. Respondent No.2 has filed an affidavit dated 4th May, 2017. In paragraph No.7 she has agreed to give her consent for quashing/withdrawing the proceedings of the subject criminal case. In paragraph 9, she has admitted that the dispute between the petitioner No.1 and herself is settled. 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.

4. 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 (b) and is disposed of as such.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]