

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2600 OF 2017

Mr. Tirunillai Rangnathan Balu.] ... Petitioner.

Versus

1. The State of Maharashtra,]
2. Smt. Nalini Balu.] ... Respondents

Ms. Malini N. Rai for Petitioner.

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

Mr. Jayprakash Dhanuka for Respondent No.2.

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

DATE :- 18 JULY, 2017

P. C. :-

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

2. The petition is filed for quashing criminal case bearing no.2266/PW/2016 pending on the file of the learned Metropolitan Magistrate, 67th Court at Borivali, Mumbai. The said criminal case arises out of registration of FIR bearing C.R.No.292 of 2016 registered with Dindoshi Police Station, Mumbai for the offence punishable under Section 354C of the IPC.

3. The petitioner and the respondent no.2 are husband and wife. The subject FIR came to be registered in the light of the marital discord between the parties. The parties, however, settled their dispute and accordingly filed Consent Terms before the Judge Mediator in Petition No.A-1042 of 2016. In pursuance of the Consent Terms, the parties settled their dispute amicably and they have approached this Court for quashing of the subject FIR by consent.

4. The respondent no.2 accordingly filed an affidavit dated 02/07/2017. In para 6, she has stated that in view of the amicable settlement between herself and the petitioner, she has no objection for quashing the subject FIR.

5. The respondent no.2 is personally present in the Court. On specific query, she states that she has gone through the affidavit as well as the contents of the petition. In the above circumstances, she has no objection to quash the subject FIR. She has also stated that she has given no objection out of her free will and without any force 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 Vs. State of Haryana*¹, we are of the

¹ AIR 2003 SC 1386

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).

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)