

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION.2113 OF 2017

Deepak Kedarnath Das Petitioner
versus
Mrs.Reena Ganesh Prainidhi & Anr. ... Respondents
.....

- Mr.Raghvendra Mehrota i/b. Dinesh Tiwari & Associates,
Advocate for the Petitioners.
- Mr.N.B. Patil, APP for the State/Respondents.
- Mr.Swapnil Ambure i/b. Mikhail Dey, Advocate for Respondent
No.1.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 11th JULY, 2017.**

P.C. :

1. The learned counsel for the petitioner seeks leave to amend the prayer clause so as to give correct number of the criminal case and Metropolitan Magistrate's Court. Necessary amendment shall be carried out forthwith.
2. Heard the learned counsel for the petitioner, respondent No.1 and learned APP.

3. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside Criminal Case bearing No.810/PW/2014 pending on the file of learned Metropolitan Magistrate 73rd Court at Vikhroli, Mumbai. The said case arise out of C.R.No.282/14, registered with Pantnagar Police Station, Mumbai at the instance of respondent No.1 for the offences punishable u/s 454, 457, 380 of the Indian Penal Code.
4. Pending trial, the parties have settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing the criminal proceedings by consent. The respondent No.1 has filed an affidavit dated 04/07/2017. In paragraph No.5 she has stated that in view of the settlement, she prays for the closure of the subject criminal case.
5. The respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents

thereof and has no objection, if the subject proceedings are quashed and set aside. She has also stated that she is giving no objection for quashing the subject proceedings 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 vs. State of Haryana AIR 2003 SC 1386**, we are of the view that quashing of the criminal proceedings would be in the interest of respondent No.1. 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 criminal proceedings 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.)