

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.610 OF 2017

Ankit Rahulkumar Zanwar & Ors.] ... Applicants

Versus

1. State of Maharashtra,]
2. Mitali Ankit Zanwar.] ... Respondents

Ms. Meera A. Barge for Applicants.

Mrs. A. S. Pai, APP for State.

Mr. G. M. Mohite for Respondent No.2.

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

DATE :- 12 JULY, 2017

P. C. :-

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

2. The application is filed for quashing and setting aside the proceedings of R.C.C. No.1020 of 2017 pending on the file of learned Chief Judicial Magistrate, Nashik. The said case arises out of registration of FIR bearing C. R. No. I-211 of 2016 registered with Ambad Police Station, Nashik. The said FIR is registered against the petitioners at the instance of the respondent no.2 for the offences

punishable under Sections 498A, 406, 323, 504 and 506 r/w 34 of the IPC.

3. The applicant no.1 and the respondent no.2 are the husband and wife. The applicant nos.2 to 4 are the relations of the applicant no.1. The marital discord between the parties gave rise to the civil as well as criminal proceedings. The subject criminal case is one of them.

4. During the pendency of the said criminal case, the parties settled their dispute amicably and in pursuance of the understanding arrived at between them, they have approached this Court for quashing of the subject criminal case by consent.

5. The respondent no.2 has also filed an affidavit dated 11/07/2017. In the last paragraph of the said affidavit, she has prayed that the subject criminal case be quashed and set aside.

6. The applicant no.1 as well as the respondent no.2 both are personally present before the Court. Both undertake to comply with the said Consent Terms. The respondent no.2, on a specific query, states that she has gone through the contents of the petition and the affidavit and understood the same. She has also stated that she has no objection to quash and set aside the subject criminal case. She has also stated that she is giving the no objection out of her free will and without any force or coercion.

8. 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 matter and in the interests of justice, the subject criminal case is required to be quashed. The Criminal Application is, accordingly, made absolute in terms of prayer clause (B).

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ AIR 2003 SC 1386