

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2411 OF 2017

Amit Umarshi Bhanushali and ors. ...Petitioners.
vs.
Jigna Yogesh Bhanushali and anr. ...Respondents.

Mr. Chandrakant Shukla i/y R.K.Mehta for the petitioners.
Mrs. S.V.Sonavane,AOPP. for the State.
Mr. Sadanand Shetty with Deepak Thakkar for Respondent
No.1.

CORAM: SHRI RANJIT MORE &
A.S.GADKARI, JJ.
DATE : 01st August, 2017

P.C.

1. Heard learned counsel for the petitioner,
respondent No.1 and the APP. for the State.

2. The petition is filed under Article 226 and 227 of
the Constitution of India read with Section-482 of the Code of
Criminal Procedure, 1973 for quashing and setting aside the
CC No.265/PW/2016 pending on the file of the learned
Metropolitan Magistrate, 73rd Court, Vikhroli at Mumbai. The
said case arises out of registration of CR No.55/2015 dated
12.2.2015 with Pantnagar Police Station, Ghatkopar, Mumbai
at the instance of respondent No.1 for the offence punishable
under Section 498-A, 406, 420, 323, 506 read with 34 of the

Indian Penal Code. The petitioners are in laws of the respondent No.1. The petitioner No.2 has expired during the pendency of this petition. The other petitioners are in laws of respondent No.1. The matrimonial dispute resulted into registration of the subject FIR. Pending trial of the subject criminal case, the parties have settled their dispute amicably and approached this court for quashing of the subject criminal case by consent.

3. The respondent No.1 has accordingly filed an affidavit dated 15.1.2017 and in Para 8 she has given no objection for quashing the subject criminal case.. Respondent No.1 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 subject FIR and proceedings are quashed and set aside. She also stated that she is giving no objection for quashing the subject FIR and the proceedings pending before the Metropolitan Magistrate 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 A.I.R. 2003 SC 1386**, we are of the view that quashing of the FIR and the 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 FIR and the proceedings are required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (a) of the petition and is disposed of as such.

(A.S.GADKARI, J.)

(RANJIT MORE, J.)