

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2727 OF 2017

Yogesh Subhash Tipnis and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Vaibhav Karnik, advocate for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.
Mr. Rahul More, advocate for the respondent No.2.

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

DATE : 20th JULY, 2017.

P. C. :

Mentioned for production. In view of urgency, taken up on production board.

2. The petition is filed for quashing and setting-aside the proceedings of the RCC No.975 of 2013 pending on the file of the learned JMFC (A.C.) Court at Pune. The said case arises out of registration of the FIR No.587 of 2012, at the instance of the respondent No.2, with Kothrud Police Station, Pune, for the offences punishable under Section 498-A, 406, 504, 506 and 323 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.2 are husband and wife. The petitioner No.2 is the mother of the petitioner No.1. Marital

discord between the parties gave rise to filing of civil as well as criminal cases and the subject criminal case is one of them.

4. Pending trial, the parties have settled their dispute amicably and have filed consent terms before the learned Single Judge in criminal application No. 254 of 2015. A copy of the said consent terms is annexed at "Exhibit C". In terms of this settlement, the above writ petition is filed for quashing the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 20th July, 2017. In paragraph No.2, she has given consent for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She further confirmed that that she is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

5. 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

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 off as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]