

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.740 OF 2017

Anant Shyamkant Mahajan & Ors.] ... Applicants

Versus

State of Maharashtra & Anr.] ... Respondents

Mr. S. A. Rajeshirke for Applicants.
Mrs. M. M. Deshmukh, APP for State.
Mr. K. U. Patil for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 18 JULY, 2017

P. C. :-

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

2. The petition is filed for quashing and setting aside the proceedings in Regular Criminal Case No.4520 of 2016 pending on the file of learned Judicial Magistrate First Class, Pune. The said case arises out of FIR bearing C.R.No.308 of 2016 registered with Chatushrungi Police Station, Pune. The said FIR is registered against the petitioners at the instance of the respondent no.2 for the offences punishable under Sections 498A, 323, 504 and 506 r/w 34 of the IPC.

3. The petitioner no.1 and the respondent no.2 are the husband and wife. The petitioner nos.2 and 3 are the relations of the petitioner 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. Pending trial, the parties settled their dispute amicably and in pursuance of the understanding arrived at between them, have approached this Court for quashing of the subject FIR by consent.

5. The respondent no.2 has also filed an affidavit dated 18/07/2017. In the paragraph no.3 of the said affidavit, she has no objection for quashing of the subject FIR.

6. The respondent no.2 is personally present before the Court. On a specific query, she 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.

7. 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 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.)

¹ AIR 2003 SC 1386