

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

CRIMINAL APPLICATION NO.872 OF 2016

Ramsanjivan Bhagwandin Misra & Anr. Applicants
versus
The State of Maharashtra & Anr. ... Respondents
.....

- Mr.P.A. Pol i/b. Pol Legal Juris, Advocate for the Applicants.
- Ms.S.D. Shinde, APP for the State/Respondents.
- Mr.S.H. Bhardwaj, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
A. S. GADKARI, JJ.**
DATE : 28th JULY, 2017.

P.C. :

1. The learned counsel Mr.Pol for the applicants seeks leave to amend the application so as give the correct number of Criminal Case. Leave granted. Necessary amendment shall be carried out forthwith.
2. Heard the learned counsel for the applicants, respondent No.2 and learned APP.
3. The application is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside

Criminal Case bearing No.672/16 pending on the file of learned Magistrate First Class, 2nd Court, Thane, arising out of C.R.No.I-134/14, registered with Kasarwadavli Police Station, Mumbai at the instance of respondent No.2 for the offences punishable u/s 498-A, 420, 495, 406 r/w 34 of the Indian Penal Code.

4. The applicants are the in-laws of the respondent No.2. It is reported that the husband of respondent No.2 is residing at Doha, Qatar. The matrimonial dispute between the parties gave rise to registration of the subject FIR. The subject matter of the present application is one of them.
5. 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.2 has filed an affidavit dated 28/07/2017. In paragraph No.5 she has given no objection for quashing and setting aside the subject criminal proceedings.
6. The respondent No.2 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.

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 AIR 2003 SC 1386**, we are of the view that quashing of the criminal proceedings 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 proceedings are required to be quashed and set aside. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

(A. S. GADKARI, J.)

(RANJIT MORE, J.)