

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

CRIMINAL WRIT PETITION.2816 OF 2017

Uday Ponnu Swami

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.Ravi Dwivedi, Advocate for the Petitioner.
- Mr.S.R. Shinde, APP for the State/Respondents.
- Mr.Yogendra Chari, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 24th JULY, 2017.

P.C. :

1. Heard the learned counsel for the petitioner, respondent No.2 and learned APP.
2. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside Criminal Case bearing No.1488/PW/2016 pending on the file of learned Metropolitan Magistrate 22nd Court, at Andheri, Mumbai, arising out of C.R.No.50/16, registered with MIDC

Police Station, Mumbai at the instance of respondent No.2 for the offences punishable u/s 498-A, 506 of the Indian Penal Code.

3. The petitioner and the respondent No.2 are the husband and wife. The matrimonial dispute between the parties gave rise to civil as well as criminal proceedings. The subject matter of the present petition is one of them.
4. Pending trial, the parties have settled their dispute amicably and accordingly filed consent terms before the Family Court at Bandra in Petition No.A-2613/13. In pursuance of the consent terms the parties have approached this Court for quashing the criminal proceedings by consent. The respondent No.2 has filed an affidavit dated 24/07/2017. In paragraph No.8 she has given no objection for quashing and setting aside the subject criminal proceedings.
5. 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.

6. 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 petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)