

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

CRIMINAL WRIT PETITION NO.2961 OF 2017

Vandana Ghosal & Anr.

.... Petitioners

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.Syed Asif Abbas Naqvi, Advocate for the Petitioners.
- Ms.S.D. Shinde, APP for the State/Respondents.
- Mr.Mohd. Javed, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
A. S. GADKARI, JJ.**

DATE : 28th JULY, 2017.

P.C. :

1. Heard the learned counsel for the applicant, respondent No.2 and learned APP.
2. The criminal petition is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Criminal Case No.0300032/2012 pending on the file of learned Chief Judicial Magistrate Court, Thane. The said case arises out of FIR bearing C.R.No.II-27/11, registered with Rabodi Police Station, Thane, at the instance of respondent No.2 for the offences punishable u/s 66(a) of the Information

Technology Act. After completion of the investigation, charge-sheet was filed u/s 66(a) of Information Technology Act and u/s 389, 509, 323, 506-II, 504 r/w 34 of the Indian Penal Code.

3. The respondent No.2 and petitioner No.1 were the husband and wife. The petitioner No.2 is the mother of petitioner No.1. 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. During the pendency of the trial, the parties to the petition have settled their dispute amicably and entered into consent terms dated 28/07/2017. The copy of consent terms is placed on record and marked as "X" for identification. In terms of the consent terms, the parties have approached this Court for quashing the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 24/07/2017. In paragraph No.5, he has stated that he has no objection for quashing and setting aside the subject criminal case.
5. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has

gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject Criminal Case is quashed and set aside. He also stated that he is giving no objection for quashing the subject criminal case 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 (b) and is disposed off as such.

(A. S. GADKARI, J.)

(RANJIT MORE, J.)