

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3437 OF 2017**

Rajiv Bharat Nagia and ors.	..Petitioners
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. Sunil D. Mishra, advocate for the petitioners.
Mr. V. B. Konde-Deshmukh, APP for the State.
Ms. Shweta B. Kamble, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-
JOSHI, JJ.**

DATE : 1st NOVEMBER, 2017.

P. C. :

Heard learned counsel for the petitioners, learned counsel for the respondent No.2 and learned APP for the State.

2. The petition is filed for quashing and setting-aside the proceedings of the criminal case No.38/PW/2017 pending on the file of learned MM, 29th Court at Bhoiwada, Mumbai. The said case arises out of registration of FIR bearing C.R.No.173 of 2016 with Bhoiwada Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498-A and 506 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.2 got married to each other on 25th January, 2016. Rest of the petitioners are the relatives of the petitioner No.1. Matrimonial dispute between the parties gave rise to filing of several criminal as well as civil cases and the subject matter of the present petition is one of them. Pending trial, the parties with the intervention of elders, relatives and well-wishers, settled their dispute amicably and have filed consent terms before the Family Court. The parties have also obtained divorce by mutual consent and in pursuance of an understanding arrived at between them, have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. The petitioners as well as respondent no.2 have filed separate consent terms dated 11th October, 2017. The same are signed by the petitioners, respondent No.2 and their respective advocates. The said consent terms are taken on record. Whatever that has been stated hereinabove is reiterated by the parties in the consent terms. The parties have undertaken not to initiate any proceedings criminal or civil against each other. The undertaking is accepted. In paragraph 10 of the consent terms, the respondent No.2 has given her no objection for quashing the subject criminal case. In addition to the consent terms, the respondent No.2 has also filed an affidavit dated 1st August, 2017. In paragraph No.2, she has given her no objection for quashing 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, consent terms and affidavit and has fully understood the contents thereof. She has further confirmed that that she is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

4. 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 criminal case would be in the interest of the 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 No.38/PW/2017 pending on the file of learned MM, 29th Court at Bhoiwada, Mumbai, and arising out of FIR bearing C.R.No.173 of 2016 with Bhoiwada Police Station are quashed and set-aside. The petition is, accordingly, disposed off.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]