

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1063 OF 2015**

1. Hemant Hanumant Jagdale	Applicants
2. Hanumant Namdeo Jagdale	
3. Vatsala Hanumant Jagdale	
VS	
1. Sheetal Hemant Jagdale	Respondents
2. State of Maharashtra	

Mr. B.C.Joshi, advocate for the Applicants.
Mr. N.B.Patil, APP for State.
Mr. K.H.Rajani, advocate for Respondent no.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL , JJ.**

DATED: 16th JUNE 2017.

P.C.:

1. Heard the learned counsel for the Applicants, learned counsel for the Respondent no.2 and learned APP for the State.

2. The Application is filed for quashing and setting aside proceedings of Regular Criminal Case No.97/PW/2009 pending on the file of the learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai. The said case arises out of registration of FIR No.164 of 2008 with Navghar police station at the instance of Respondent No.1 against the Applicants for the offences punishable under Sections 498-A, 406, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The Applicant no.1 and Respondent no.1 were married on 28.5.2005. The Applicant nos.2 & 3 are the parents of the Applicant no.1. Matrimonial dispute between the parties gave rise to filing of civil and criminal cases against each other and the subject matter of the present petition is one of them.

4. Pending trial, with the help and intervention of family members, friends and well-wishers, the applicant No.1 and respondent No.1 have amicably settled their differences and have filed consent terms dated 31st August, 2015 before the Family Court in Petition No.A-2399 of 2010. In terms of the said consent terms, the marriage between the Applicant no.1 and Respondent No.1 stood dissolved under Section 13B of the Hindu Marriage Act, 1955. In the Consent Terms, the parties have agreed to withdraw the cases filed by them against each other. In terms of the settlement arrived in the Consent Terms between the parties, they have approached this Court for quashing of the proceedings of the subject criminal case by consent. The Respondent no.1 has filed an Affidavit dated 7.4.2016 in this Hon'ble Court. In paragraphs 5 and 6 thereof, she has stated that she does not wish to continue with the subject FIR and the criminal case and has accordingly given her no objection for quashing the proceedings of the said criminal case. The Respondent no.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application

and the affidavit as well and has understood the contents thereof. She has further confirmed that she is giving no objection for quashing the proceedings of 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 proceedings of the criminal case would be in the interest of respondent No.1. 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 are required to be quashed and set-aside. The criminal application is, accordingly, made absolute in terms of prayer clause (B) and is disposed off as such.

(SARANG V.KOTWAL, J)

(RANJIT MORE, J)