

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3818 OF 2017**

Mr. Niranjan Vasant Tayde and ors.	..Petitioners
Versus	
The State of Maharashtra and anr.	..Respondents

Mrs. Pranali P. Kakade, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. Gopal Jetly, advocate for the respondent No.2.

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

DATE : 28th NOVEMBER, 2017.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting-aside the proceedings of RCC No.124 of 2017 pending on the file of the learned JMFC Court at Ulhasnagar. The said case arises out of registration of FIR bearing CR No.I-135 of 2016 with Badlapur (East) Police Station, at the instance of the respondent No.2, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the family members 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 have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. The respondent No.2 has, accordingly, filed an affidavit dated 13th September, 2017. In paragraph 5, she has given her no objection for quashing and setting-aside the proceedings of 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 and affidavit as well and has fully understood the contents thereof. She has further confirmed that that she has given 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 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 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.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]