

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3944 OF 2017

Manohar Singh Bhamra & Anr.Petitioners
V/s.
Mrs. Kavita K. Khanna & Anr.Respondents

Mr. D.S.Joshi, Advocate for Petitioners.
Mr. A.R.Kapadnis, APP for the Respondent-State.
Ms. Siddh Vidya, Advocate for Respondent No.1.

**CORAM :- RANJEET MORE &
SANDEEP K. SHINDE, JJ.**

DATE :- 7TH DECEMBER, 2017.

PC. :-

Heard the learned counsel for the Petitioners and the learned counsel for the Respondent No.1 and the learned APP for the State.

2 This Petition is filed for quashing and setting aside the proceedings of the Regular Criminal Case No.1188 of 2015 pending on the file of the learned JMFC, Vashi, Navi Mumbai. The said case arises out of registration of FIR bearing No.I-61 of 2015 with Koparkhairane Police Station for the offences punishable under Sections 354-B, 406, 323, 506(II) of the IPC.

3 The Petitioners are in-laws of the Respondent No.1. Matrimonial disputes gave rise to the registration of the subject FIR. The parties, however, pending trial settled their disputes amicably and started living together at Dubai. In pursuance of the settlement arrived at between them now they have approached this Court for quashing of the subject criminal case by consent. Accordingly, the Respondent No.1 has filed Affidavit dated 7.12.2017. In paragraph 5 thereof she has given no objection to quash the proceedings of the subject criminal case. The Respondent No.1 is personally present in the Court. On query, she states that she has gone through the Petition and the affidavit and has understood the contents thereof. She also states that since the disputes between the parties have settled amicably, she is staying with her in-laws and husband at Dubai. She specifically states that she does not want to continue with the proceedings of the subject criminal case and she is giving no objection to quash the proceedings of the same 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 FIR 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 subject criminal case is required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (B) and is disposed of as such.

(SANDEEP K. SHINDE, J.)

(RANJEET MORE, J.)