

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1027 OF 2017

Limbadri Vithal Bommer and ors.Applicants
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Durgesh P. Jaiswal, learned counsel for the applicants.
Mr. V. B. Konde-Deshmukh, APP for the State.
Mr. Raju Gupta, advocate for the respondent No.2.

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

DATE : 9th NOVEMBER, 2017.

P. C. :

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of criminal case bearing CC No.182/PW/2015 pending on the file of the learned Metropolitan Magistrate, 29th Court at Bhoiwada, Mumbai. The said case arises out of FIR bearing CR No. 253 of 2013 registered with Wadala T.T. Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the family members of the applicant No.1. Matrimonial dispute between the parties gave rise to registration of the subject FIR. Pending trial, the parties, however, with the intervention of the elders and relatives settled their dispute amicably and now the applicant No.1 and respondent No.2 are residing together. In that view of the matter, the parties have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 6th October, 2017. In paragraph 4, 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 application and the affidavit as well and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the said proceedings 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 proceedings 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 are required to be quashed and set-aside. The application is, accordingly, made absolute in terms of prayer clause (B) and is disposed off as such.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]