

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3898 OF 2016

Sharad Chandran Kumarswami Swaminathan ..Petitioner

VS

1.State of Maharashtra

2.Christine Sharad Chandran Swaminathan .. Respondents

Ms.Sonal Parab i/b. M/s Rajeev Sawant & Asso., advocates for the Petitioner.

Mr.K.V.Saste, APP for the State.

Ms.Prajakta Kale i/.b Mr.S.R.Samel, advocate for the Respondent no.2.

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

DATE : 20th JUNE, 2017.

P. C. :

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

2. The Petition is filed for quashing the proceedings of criminal case No.1584/PW/14 pending on the file of the 61st Additional Chief Metropolitan Magistrate, Kurla, Bombay. The said case arises out of registration of FIR bearing No.C.R.No.237 of 2013 with Antop Hill police station at the instance of Respondent no.2 for the offence punishable under section 498-A of the Indian Penal Code, 1860 (for short "the IPC"). After completion of the investigation, charge sheet is filed for the offences punishable under Sections 498-A, 325 and 506(II) of the IPC.

3. Pending trial, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences and have approached this Court for quashing the proceedings of the subject criminal case by consent. The parties have agreed to withdraw the cases filed by them against each other. The Respondent no.2 has filed an Affidavit dated 8.11.2016 in this Hon'ble Court. In paragraphs 1 and 2, she has stated that the misunderstanding between herself and her husband has been cleared and both of them are, at present, leading a happy married life and as such she has no grievance against the petitioner and is not interested in pursuing the criminal case and has accordingly given her no objection for quashing the proceedings of the subject criminal case arising out of the aforesaid FIR. The Respondent no.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition 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.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 criminal writ petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]