

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1101 OF 2017

Sachin Ashok Amburle & Ors. ... Applicants
Vs.
State of Maharashtra,
Through Kharghar Police Station & Anr. ... Respondents

Ms. Kokila Kalra for the Applicants.

Mrs. V.S. Mhaispurkar, A.P.P., for Respondent No.1-State.

Ms. Sana Mujawar for Respondent No.2.

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

DATE : 29TH NOVEMBER 2017.

P.C. :

1. Heard learned counsel for the Applicants, learned counsel for Respondent No.2 and learned A.P.P. for the Respondent-State.

2. This application is filed for quashing and setting aside the proceedings of Criminal Case bearing R.C.C. No.395 of 2013, pending on the file of the learned Judicial Magistrate, First Class, Panvel. The said case arises out of registration of FIR bearing

C.R. No.I-310 of 2012 with Kharghar Police Station, New Bombay, at the instance of Respondent No.2, for the offence punishable under Sections 498-A and 406 r/w. Section 34 of IPC.

3. Applicant No.1 and Respondent No.2 are husband and wife. Rest of the Applicants are relatives of Applicant No.1. The matrimonial dispute arose between the Applicants and Respondent No.2 on account of giving birth to the female child. Pursuant thereto, Respondent No.2 has registered an N.C. with Kharghar Police Station on 20th May 2012. Subsequent thereto, proceedings in R.C.C. No.395 of 2013 came to be filed by Respondent No.2 before the Judicial Magistrate, First Class, Panvel for the aforesaid offence.

4. Pending trial, the parties have settled their dispute amicably and in terms of the 'Consent Terms' filed in Criminal Revision Application No.65 of 2016, copy of which is annexed at "Exhibit-B", Page 59 to the present Criminal Application, the parties have approached this Court for quashing the subject Criminal Case by consent. Respondent No.2-Original Complainant, accordingly, has

filed an affidavit dated 29th November 2017. In paragraph No.4 of the said affidavit, Respondent No.2 has given her no objection to quash the proceedings of Criminal Case bearing R.C.C. No.395 of 2013. Respondent No.2 is personally present before the Court and admits that she has read over this Criminal Application and affidavit and understood the contents therein.

5. Accordingly, the Criminal Application is allowed in terms of prayer clause (a). The proceedings of Criminal Case bearing R.C.C. No.395 of 2013, pending on the file of the learned Judicial Magistrate, First Class, Panvel, are hereby quashed and set aside.

6. Criminal Application is disposed of in the aforesaid terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]