

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4655 OF 2017**

Vinayak Bayappa Joshilkar and ors. ..Petitioners
Versus
Priyanka Vijay Patil @ Priyanka Vinayak
Joshilkar and anr. ..Respondents

Mr. G. R. Hegde, advocate for the petitioners.
Mr. V. B. Konde-Deshmukh, APP for the State.
Ms. Priyanka Vijay Patil, respondent No.1- present-in-person.

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

DATE : 22nd NOVEMBER, 2017.

P. C. :

Heard learned counsel for the petitioners and learned APP
for the State. The respondent No.1 is present-in-person.

2. The petition is filed for quashing and setting-aside the proceedings of the criminal case No.1114/PW/2017 pending on the file of the learned Metropolitan Magistrate, Railway Court at Andheri, Mumbai. The said case arises out of registration of FIR bearing CR No.342 of 2016 registered with Meghwadi Police Station, Jogeshwari, Mumbai, at the instance of the respondent No.1, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The Petitioner No.1 and respondent No.1 are husband and wife. Rest of the petitioners are the relatives of the petitioner No.1. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal proceedings and the subject matter of the present petition is one of them.

4. Pending trial, with the intervention of the elders and relatives, the parties settled their dispute amicably and have filed consent terms before the Family Court at Bandra in Petition No.A-1196 of 2017, a copy of which is annexed at Exhibit B, page 24. In terms of an understanding arrived at between the parties, now they have approached this Court for quashing and setting-aside the proceedings of the subject crime case by consent. The respondent No.1 has accordingly filed an affidavit dated 18th November, 2017. In paragraph 3 thereof, she has given her no objection for quashing the proceedings of the subject criminal case. The respondent No.1 is personally present before the Court. She has produced a copy of her Adhaar Card to establish her identity. We have verified the same and are satisfied about her identity. On being questioned, she specifically stated that she has gone through the petition, affidavit and the consent terms and has fully understood the contents thereof. She confirmed that she has given no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

5. 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 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 proceedings of the subject criminal case are required to be quashed and set-aside. The writ petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]