

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 505 of 2018

Dinesh Yashwant Patil and ors.Petitioners

versus

1.The State of Maharashtra

2. Ketaki Dinesh Patil

.....Respondents

Mr. Subhash Hulyalkar I/b. Hulyalkar and Associates, advocates for the petitioners.

Mr. Deepak Thakare, PP along with Mrs. Prajakta P. Shinde, APP for the State.

Mr. Vikram Sutaria I/b. Bansal Chorbele Law Chambers, advocates for the respondent No.2.

with

WRIT PETITION NO. 696 of 2018

Ketaki Dinesh Patil

.....Petitioner

versus

1.The State of Maharashtra

2.Dinesh Yashwant Patil

.....Respondents

Mr. Vikram Sutaria I/b. Bansal Chorbele Law Chambers, advocates for the petitioners.

Mr. Deepak Thakare, PP along with Mrs. Prajakta P. Shinde, APP for the State.

Mr. Subhash Hulyalkar I/b. Hulyalkar and Associates, advocates for the respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 8th OCTOBER, 2018.

P. C. :

Learned counsel appearing for the respective petitioners, at the outset, seeks leave to amend the prayer clauses of the petitions, so as to give the details of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

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

3. Writ petition No. 505 of 2018 is filed for quashing the proceedings of the criminal case bearing RCC No. 403015 of 2015 pending on the file of learned 2nd Joint Civil Judge, J.D. and J.M.F.C. at Pune. The said case arises out of registration of FIR bearing CR No.360 of 2014 with Chaturshrungi Police Station at the instance of the respondent No.2- Ketaki Dinesh Patil, for the offences punishable under sections 498-A, 406, 323, 504, 506 and 34 of the Indian Penal Code, 1860.

Writ petition No.696 of 2018 is filed for quashing the criminal case bearing RCC No.403921 of 2015 pending on the file of learned Additional Chief Judicial Magistrate, Shivaji Nagar at Pune. The said case arises out of registration of FIR bearing CR No. 7 of 2015 with Shivaji Nagar Police Station at the instance of the respondent No.2- Dinesh Yashwant Patil for the offences punishable under sections 497, 420, 384, 380 read with section 34 of the Indian Penal Code and section 66A, 66E, 67 and 71 of the Information Technology Act.

4. The petitioner No.1 in writ petition No.505 of 2016 and

petitioner in writ petition No.696 of 2018 are husband and wife. As stated above, the first FIR bearing CR No.360 of 2014 is registered against the husband at the instance of the wife and the second FIR bearing CR No.7 of 2015 is registered against the wife at the instance of the husband.

5. It is to be noted that due to marital discord between the parties, the said criminal cases as well as civil cases are filed and pending before various courts. Pending trial, the parties with the intervention of the well-wishers and elders settled their matrimonial dispute amicably and have, accordingly filed consent terms before the Family Court at Pune in PA 56 of 2015. Under the said consent terms, both the parties decided to take divorce by mutual consent and have agreed to withdraw all the allegations levelled against each other. They have further agreed to withdraw the pending cases against each other. A copy of the said consent terms is annexed at "Exhibit-B" of the petitions. In pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal cases by consent. Both the complainants have filed separate affidavits dated 6th February, 2018 and 28th February, 2018 respectively. In their respective affidavits, both the complainants have given their no objection for quashing the proceedings of the subject criminal cases. Both the

complainants viz. Ketaki Dinesh Patil and Dinesh Yashwant Patil are personally present before the Court. On being questioned, they specifically state that they have gone through the petitions, affidavits as well as consent terms filed before the Family Court at Pune and have fully understood the contents thereof and have no objection for quashing the proceedings of the subject criminal case.

6. It can, thus, be seen that the matters have been amicably settled between the parties. Perusal of the complaints, make 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 cases would be in the interest of both the complainants. 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 quashed and set-aside. The petitions are accordingly, made absolute in terms of prayer clause (a) and are disposed of as such.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]