

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1594 of 2018**

Harshal Kishor GalaPetitioner
versus
The State of Maharashtra and anr.Respondents

Ms. S. R. Dubey, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Ms. Pinaz Contractor, advocate for the respondent No.2.

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

DATE : 5th OCTOBER, 2018.

P. C. :

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

2. The petition is filed for quashing and setting aside the criminal case No.889/PS/2016 pending on the file of the learned Metropolitan Magistrate, 27th Court at Mulund, Mumbai. The said case arises out of registration of FIR bearing C.R. No.348 of 2016 with Mulund Police Station, Borivali West, Mumbai, at the instance of the respondent No.2 against the petitioners for the offences punishable under sections 354, 509 and 323 of the Indian Penal Code, 1860.

3. The petitioner is the brother-in-law of the respondent No.2. There is matrimonial dispute between the respondent No.2 and her

husband and, accordingly, respondent No.2's husband has also approached the Family Court at Bandra and filed M. J. Petition No.A/1998 of 2017. The matrimonial dispute as well as the dispute which is the subject matter of the present petition are amicably settled between the parties and, accordingly, the parties have filed consent terms in M.J.Petition No.A/1998 of 2017. In the said consent terms, the respondent No.2 has given her no objection for quashing the proceedings of the subject criminal case. The respondent No.2 has also filed an affidavit dated 2nd August, 2018. In paragraph 6 thereof, she has given her no objection for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, she specifically state that she has gone through the petition, consent terms and the affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the proceedings of the subject criminal case out of her own 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. From the perusal of complaint, it transpires 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

Narinder Singh vs. State of Punjab [2014 AIR SCW 2065], we find that no purpose would be served by keeping the proceedings of the subject criminal case pending except burdening the Criminal Courts which are already overburdened. Accordingly, the writ petition is allowed in terms of prayer clause (a) and is disposed of as such.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]