

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

CRIMINAL WRIT PETITION NO.1905 OF 2018

Jayant Joshi & Ors. ..Petitioners
V/s.
The State of Maharashtra & Anr. ..Respondents

Mr.A.S. Tamhane for the Petitioners.

Mr.S.R. Shinde, APP for the Respondent-State.

Ms.Sushma Jayant Joshi, Respondent No.2 present in person.

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

DATE : 24th OCTOBER 2018

P.C.

1. Heard learned counsel for the petitioner, learned APP for respondent-state and respondent No.2 in person.

2. The petition is filed for quashing the proceedings of the Criminal Appeal No.475 of 2011 pending in the District and Session Court, Pune.

3. The marriage of the petitioner No.1 and respondent No.2 was solemnized on 19.05.2002 in Pune. Out of the said

wedlock one daughter was born on 1.07.2003. In the year 2005 petitioner No.1 filed divorce petition against the respondent No.2 and by order dated 27.11.2008 the Family Court, Pune dissolved marriage between petitioner No.1 and respondent No.2.

4. During the pendency of the matrimonial dispute respondent No.2 filed FIR against the petitioner for an offence punishable under Section 498(A) read with 34 of the Indian Penal Code. This FIR was investigated and chargesheet was filed with Pune Court which is numbered as R.C.C. No.4360 of 2005. This Criminal Case was disposed of by the learned Judicial Magistrate First Class on 16.06.2008 and the petitioner was acquitted. Respondent No.2 have not preferred revision against acquittal. However, State of Maharashtra has preferred an appeal, against the said judgment which is pending before District and Session Judge, Pune.

5. During the pendency of the said appeal petitioner No.1 and respondent No.2 settled their dispute amicably. They have again married with each other in September 2018 and now staying together. Therefore, in these circumstances they have approached this Court for quashing the proceeding of the Criminal Appeal

No.475 of 2011 by consent.

6. The respondent Nos.1 and 2 personally present in the Court. Whatever stated in the petition is affirmed by the applicant. On specific query, the respondent wife has submitted that in view of the settlement of the parties she has no objection if the Appeal No.475 of 2011 is disposed of, and the proceedings of the Appeal are quashed and set aside.

7. It can, thus, be seen that the matter has been amicably settled between the parties and now they have entered in new phase of life. 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 FIR 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 subject FIR is required to be quashed.

8. The application is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

9. The Registry shall communicate this order to the District and Sessions Court, Pune.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)