

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3277 of 2018**

Manish Vivien Amanna and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Gopal R. Hegde, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Mr. Prashant Dalvi, advocate for the respondent No.2.

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

DATE : 8th 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.3539/PW/2015 pending on the file of the learned Additional Chief Metropolitan Magistrate, 24th Court at Borivali, Mumbai. The said case arises out of registration of FIR bearing C.R. No.415 of 2014 with Malad Police Station, Mumbai, at the instance of the respondent No.2 against the petitioners for the offences punishable under sections 498-A, 377, 406, 506(2), 295-A and 34 of the Indian Penal Code, 1860 and section 67(A) of the Information Technology Act, 2000.

3. The petitioner No.1 and respondent No.2 got married in the year 2011. The petitioner No.2 is the mother of the petitioner No.1. The matrimonial dispute between the parties gave rise to filing civil as well as criminal cases and the subject matter of the present petition is one of them. Pending trial, the parties to the petition settled their dispute amicably and, accordingly, the parties have filed consent terms before the Family Court at Bandra in Petition No.A-1484 of 2015. In terms of this consent terms, the parties got their marriage dissolved by mutual consent. In clause 10 of the consent terms, the respondent No.2 has given her no objection for quashing the proceedings of the subject criminal case. In terms of the consent terms, the parties have now approached this Court of quashing the proceedings of the subject criminal case by consent, The respondent No.2 has also filed an affidavit dated 8th October, 2018. In paragraph 3 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. 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 proceedings of the criminal case 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 proceedings of the subject criminal are required to be quashed and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]