

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4155 of 2015

Mr. Sanjeev Rajabali Yadav and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Parag P. Pokale, advocate for the petitioners.
Mr. F. R. Shaikh, APP for the State.
Mr. B. G. Tangsali I/b. Mr. Sujeet Salkar, advocate for the respondent
No.2.

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

DATE : 12th SEPTEMBER, 2018.

P. C. :

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

2. The petition is filed under Article 226 and 227 of the
Constitution of India read with the provisions of Section 482 of the Code
of the Criminal Procedure, 1973 for quashing the proceedings of the
criminal case bearing RCC No.71 of 2016 pending on the file of learned
3rd Jt. C.J.J.D and J.M.F.C., Thane. The said case arises out of registration
of FIR bearing CR No.I-192/2014 with Kapurbawdi Police Station, Thane,
at the instance of the respondent No.2 for the offences punishable under
sections 498A, 420, 406, 504 and 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.2 got married on 21st November, 2011. Rest of the petitioner are the relatives of the petitioner No.1. Matrimonial dispute between the parties gave rise to filing of criminal as well as civil proceedings and the subject matter of the present petition is one of them.

4. Pending trial of the subject criminal proceedings, the parties, with the intervention of the elders and well-wishers have settled their dispute amicably and decided to dissolve their marriage. The parties, accordingly, filed Marriage Petition No.171 of 2015 before the Family Court at Thane under Section 13B of the Hindu Marriage Act, 1955 and, by judgment and decree dated 12th October, 2015, the Family Court at Thane, dissolved the marriage between the petitioner No.1 and respondent No.2 by mutual consent. In terms of the agreement arrived at between the parties, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 27th August, 2018. In paragraph 10, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further

confirmed that that she has given no objection for quashing the proceedings of the subject criminal 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 case are required to be quashed. The petition is, accordingly, made absolute in terms of prayer clauses (a), (aa) and (b) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]