

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 39 OF 2019**

Mr. Vivek Gajanan JoshiApplicant
Versus
The State of Maharashtra & Anr.Respondents

Ms. Nidhi Chheda, Advocate for the Applicant.
Mr. A.D. Kamkhedkar, APP for the Respondent-State.
Ms. Swadha V. Joshi, respondent No.2 present in person.

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

DATE : 16th JULY, 2019.

P. C. :

1. Learned counsel for the applicant, at the outset, seeks leave to amend prayer clause (a) of the application, so as to give particulars of the criminal case. Since the amendment is necessitated by occurrence of events subsequent to the filing of the application, 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. The application is filed for quashing and setting-aside the proceedings of CC No.1671/PW of 2014 pending on the file of learned 65th Metropolitan Magistrate Court at Andheri, Mumbai. The said case arises out of FIR No.58 of 2015 registered with Vile Parle Police Station

at the instance of respondent No.2, for the offences punishable under Sections 498A, 377 and 506(2) of the Indian Penal Code, 1860.

4. Applicant No.1 and respondent No.2 are husband and wife. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject criminal case is one of them. Pending trial, the parties settled their dispute amicably and accordingly, filed consent terms before the learned Single Justice of this Court in Criminal Application No.382 of 2016. A copy of the consent terms is annexed at Exhibit 'H', Page 64.

5. In terms of the settlement arrived at between the parties, they have now approached this Court for quashing and setting-aside the proceedings of the criminal case by consent. Respondent No.2-original complainant has also filed an affidavit dated 21st December 2018, wherein she has reiterated whatever that has been stated hereinabove and in paragraph 6, she has given her no objection for quashing and setting-aside the subject crime. Respondent No.2 is personally present before the Court. Both of them made a solemn statement that they will abide by the terms of settlement. The statement is accepted as undertaking to this Court. Respondent No.2 in addition to above also stated that, she has no objection for quashing the said proceedings of the subject crime in view of the settlement referred above.

6. 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 criminal proceedings 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 and set-aside. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]