

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 750 of 2018

Rohit Nandan Nayak	.. Petitioner
Versus	
The State of Maharashtra & Anr	.. Respondents

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Ms. Trupti Mahimkar for the petitioner.
Mr. Deepak Thakare, P.P with Mr. F.R. Shaikh, APP for the State.
Mr. Vilas A. Sawant for respondent no.2.

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

DATED : 1st JULY 2019

P.C:-

1 Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for the Respondent No.2 and the learned APP for the State.

2 Petitioner and Respondent No.2 are husband and wife. Matrimonial disputes between the parties gave rise to the filing of civil as well as criminal proceedings by the parties against one another and the subject petition is one of them. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have accordingly, filed Consent Terms before the Family Court in M.J. Petition No. A-2566 of 2016.

Tilak

3 In pursuance of the understanding arrived at between the parties, they have now approached this Court for quashing and setting aside the proceedings of the subject criminal case by consent. Respondent No. 2 has filed an affidavit dated 15th October 2018. In paragraph no.7 she has given no objection to quash and set aside the proceedings of the subject criminal case. Both the petitioner and respondent no.2 are personally present before the Court. On being questioned, she specifically stated that she has gone through the application 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 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 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.

5 Hence, we quash and set aside the FIR bearing C.R.No. 490 of 2016 registered with V.P. Road Police Station. The application is, accordingly, made absolute in terms of prayer clause (a).

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)