

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1314 OF 2018

Ravikiran Ganpatrao Rasal .. Petitioner
Versus
The State of Maharashtra & ors .. Respondents

...

Mr. M.S. Sonawane for the petitioner.
Mr. Deepak Thakare, P.P with Mr. F.R. Shaikh, APP for the State.
Mr. K.H. Holambe Patil for respondent no.2.

WITH
WRIT PETITION NO. 1989 OF 2018

Shubhangi Ravikiran Rasal & Ors .. Petitioners
Versus
The State of Maharashtra & ors .. Respondents

...

Mr. K.H. Holambe Patil for the petitioners.
Mr. Deepak Thakare, P.P with Mr. F.R. Shaikh, APP for the State.
Mr. M.S. Sonawane for respondent no.1.

CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.
DATED : 1st JULY 2019

P.C:-

1 Heard learned counsel for the respective parties and
learned APP for the State.

2 Writ Petition No.1314 of 2018 is filed by Shri
Ravikiran Rasal, ex-husband of respondent no.2 for quashing

Tilak

the proceedings of the criminal case bearing No. 1654/PW/2012 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai. Writ Petition No.1989 is filed by Smt.Shubhangi Rasal, ex-wife of respondent no.2 complainant for quashing and setting aside the proceedings of the criminal case bearing No.390/PW/2013 pending on the file of Metropolitan Magistrate, Railway Mobile Court at Andheri, Mumbai.

3 Criminal Case No. 1654/PW/2012 pending on the file of Metropolitan Magistrate arises out of FIR bearing C.R.No. 141 of 2010 registered with Vanrai Police Station at Mumbai at the instance of Smt.Shubhangi for the offence punishable under Sections 406, 467 and 468 of the IPC.

4 Criminal Case No. 390/PW/2013 pending on the file of Metropolitan Magistrate, Railway Mobile Court arises out of MECR No.1 of 2011 registered with Versova Police Station at Mumbai at the instance of ex-husband for the offences punishable under Sections 380, 120(B) r/w Section 34 of the IPC.

5 Both the petitioners in the above petitions got married on 19th October 1993. Matrimonial dispute between the parties gave rise to several proceedings. Parties however, with the intervention of elders and well wishers settled their dispute amicably and accordingly filed consent terms in Family

Court Appeal No. 154 of 2016. Copy of the consent terms is annexed to the petition at Exhibit -E, page 44 of Writ Petition No.1314 of 2018. The Division Bench of this Court by an order dated 13th February 2018 disposed of the Family Court Appeal No. 154 of 2016 in terms of the Consent Terms. In paragraph nos.15 and 16, parties agreed to withdraw all the allegations made against each other. They also further agreed to withdraw the complaint, FIR, Appeal, petition or criminal case filed in the Metropolitan Magistrate's Court.

6 In terms of the above understanding, now they have approached for quashing the subject criminal case by consent. Ex-wife has filed an affidavit dated 27th September 2018. In paragraph no.3, she has given no objection to quash Criminal Case No.1654/PW/2012 pending on the file of Metropolitan Magistrate, 17th Court at Borivali, Mumbai.

Similarly, the ex-husband has also filed an affidavit dated 27th September 2018. He has also given no objection to quash and set aside the FIR and criminal case in Writ Petition No.1989 of 2018.

7 Learned counsel for the ex-wife submits that she is not present today because she is admitted in the hospital. Therefore, she is unable to attend the Court. He submits that in the light of the consent terms and affidavit of ex-wife referred to above, Writ Petition No. 1314 of 2018 may be allowed

subject to proceedings of the criminal case being quashed. Ex-husband Mr.Ravikiran Rasal is present in the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject proceedings in Writ Petition No.1989 of 2018.

8 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 the respective parties. 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 cases are required to be quashed and set-aside. Both the Writ Petitions are accordingly, made absolute in terms of prayer clause (a) and are disposed of as such.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)