

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.314 OF 2019

Smt.Madhu Rajmal Soni & Ors. ..Applicants
V/s.
Sheetal Vinay Soni & Anr. ..Respondents

Ms.Ghazala Z. Khan for the Applicants.

Mr.S.R. Shinde, APP for the Respondent-State.

Mr.P.S. Dubey for Respondent No.1.

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

DATE : 05th APRIL 2019

P.C.

1. Heard the learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the State.

2. The petition is filed for quashing and setting aside the Proceedings of the Criminal Case bearing No. RCC/1474/2016 pending on the file of the Learned Joint Civil Judge, Junior Division, Thane. The said case arises out of the registration of FIR bearing C.R. No.I-240 of 2015 at the instance of respondent No.1 with Navghar Police Station, Thane for the offence punishable under

Sections 498(A), 323, 406, 504 and 506 read with 34 of the Indian Penal Code.

3. The applicant No.2 and respondent No.1 are husband and wife. Applicant Nos.1 and 3 are relatives of the applicant No.2. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present application is one of them.

4. Pursuant to the understanding arrived between the parties, they have approached this Court for quashing the proceeding of the subject Criminal Case by consent. Respondent No.1 has accordingly filed an affidavit dated 03.04.2019. In Paragraph No.10 she has given no objection to quash the proceedings of the subject Criminal Case. Respondent No.1 personally present in the Court. On specific query, he submitted that in view of the settlement of the parties the subject proceeding is quashed and set aside.

5. 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 FIR 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 subject FIR is required to be quashed. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)