

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1606 OF 2019**

Parag Shamsunder Agarwal & Ors.Petitioners
Versus
The State of Maharashtra & Ors.Respondents

Mr. Dilip P. Devadiga, Advocate for the Petitioners.
Ms. Sangita Shinde, APP for the Respondent-State.
Ms. Priyanka Agarwal, respondent No.3 present in person.

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

DATE : 16th JULY, 2019.

P. C. :

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

2. The petition is filed for quashing and setting-aside the proceedings of RCC No.88 of 2017 pending before the learned Judicial Magistrate First Class, Thane. The said case arises out of FIR bearing C.R.No.I-169 of 2016 registered with Kapurbawdi Police Station at the instance of respondent No.3, for the offences punishable under Sections 498A, 406, 323, read with Section 34 of the Indian Penal Code, 1860.

3. Petitioner No.1 and Respondent No.3 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 Judicial Magistrate, F.C., (II Court), Thane in O.M.A.No.125 of 2015, copy of which is annexed at page No.25 of this petition.

4. In pursuance of the above understanding 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.3-original complainant has also filed an affidavit dated 16th July, 2019, wherein she has reiterated whatever that has been stated hereinabove and in paragraph 3, she has given her no objection for quashing and setting-aside the subject crime. Respondent No.3 is 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 said proceedings out of free will and without there being any pressure or coercion.

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 criminal proceedings would be in the interest of respondent No.3. 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 of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]