

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 401 OF 2019

Angadpreet Manpreet Singh Chadha and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Niranjan Mundargi i/b. The Law Point, advocates for the applicants.
Mr. K. V. Saste, APP for the State.
Mr. Vikram Chavan along with Mr. Jatin Sahai Khalid Kazi i/b. M/s. C. K.
Legal, advocate for respondent No.2.

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

DATE : 25th APRIL, 2019.

P. C. :

Not on board. Since the connected matter is on board today,
the said application is heard.

2. Heard learned counsel and learned APP appearing for the
respective parties.

3. The application is filed under Section 482 of the Code of
Criminal Procedure, 1973, for quashing and setting-aside the proceedings
of criminal case bearing R.C.C. No.1221 of 2017 pending on the file of
learned Addl. C.M.M., 9th Court, Bandra, Mumbai. The said case arises
out of FIR bearing C.R. No.236 of 2016 registered with Khar Police
Station at the instance of respondent No.2, for the offences

punishable under Sections 498A, 406, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

4. Applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the parents of applicant No.1 and in-laws of respondent No.2. 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 with the intervention of their elders and well-wishers and have, accordingly, filed consent terms dated 18th March, 2019 before the Family Court at Bandra, Mumbai, in petition No. A-1535 of 2016. A copy of the said consent terms is annexed at "Exhibit -B", page 28. In terms of an understanding arrived at between the parties under the said consent terms, they have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.2 has also filed an affidavit dated 8th April, 2019, 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 proceedings of the subject criminal case. Respondent No.2 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 on her own 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.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 of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]