

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

WRIT PETITION NO. 1871 of 2019

(The order is corrected pursuant to the order dated 24th July, 2019)

Mr. Nilesh Shankar Revgade and anr.	Petitioners
versus	
The State of Maharashtra and anr.	Respondents

Mr. Amey R. Deshpande, advocate for the petitioner.
Dr. F. R. Shaikh, APP for the State.
Mr. Anil P. Chavan, advocate for respondent No.2.

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

DATE : 16th APRIL, 2019.

P. C. :

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

2. The petition is filed for quashing and setting-aside the proceedings of RCC No.310 of 2016 pending on the file of learned J.M.F.C.Kalyan. The said case arises out of FIR No. I- 269 of 2015 registered with Bajarpeth Police Station, Kalyan, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the relatives of petitioner No.1 and in-laws of respondent No.2. Matrimonial dispute between the parties gave rise to filing of the subject criminal case. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, entered into consent terms dated 16th September, 2017. A copy of the said consent terms is annexed at "Exhibit -B", page-57. In terms of the said consent terms, the parties have decided to stay together and as a matter of fact, they are residing together. In pursuance of an 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 also filed an affidavit dated 16th April, 2019. In paragraph 5, 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 petition, consent terms 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.

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. The petition is, accordingly, made absolute in terms of prayer clause (A) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]