

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1756 OF 2017**

Mr. Ajay Harikishan Chandak and ors.Petitioners

versus

The State of Maharashtra and ors.Respondents

Ms. Dhvani Jain i/b. C. K. Legal, advocate for the petitioners.

Ms. Sangita Shinde, APP for the State.

Mr. Sujay H. Gangal, advocate for respondent No.2.

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

DATE : 8th JULY, 2019.

P. C. :

Learned counsel for the petitioners seeks leave to amend the prayer clause of the petition to give the details of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith

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

3. The petition is filed for quashing and setting-aside the proceedings of criminal case bearing RCC No.2548 of 2014 pending on the file of learned Chief Judicial Magistrate, Pune. The said case arises out of FIR bearing CR No. I-186 of 2013 registered with Kothrud Police Station, Pune, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC").

4. Petitioner No.1 and respondent No.2 got married in the year 1999. 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 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 compromise pursis in civil writ petition No.4030 of 2014, a copy of which is annexed at page 108 of the petition. In terms of the understanding arrived at between the parties, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has accordingly filed an affidavit dated 30th April, 2019, In paragraph 5 thereof, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. Both, petitioner No.1 and respondent No.2 are personally present before the Court. They make a statement that they will abide by the terms of the compromise pursis referred above. In addition to above, respondent No.2 who is personally present before the Court, stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the proceedings of the subject criminal case out of her own free will and without there being any pressure or coercion. Respondent No.2 also undertakes to withdraw the

summary criminal case No.7402 of 2013 filed under Sections 499 and 500 of IPC pending before Hon'ble Chief Judicial Magistrate, Pune. The undertaking is accepted.

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. Thus, the proceedings of criminal case bearing RCC No.2548 of 2014 pending on the file of learned Chief Judicial Magistrate, Pune and arising out of FIR bearing CR No. I-186 of 2013 registered with Kothrud Police Station, Pune, are quashed and set-aside. The writ petition is accordingly disposed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]