

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1947 OF 2019

Vijay Waman Ghogare	.. Petitioner
Versus	
The State of Maharashtra & Anr	.. Respondents

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Mr. Sachin J. Kadam for the petitioner.
Ms.S.D. Shinde, APP for the State.

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

DATED : 7th JUNE 2019

P.C:-

1 The petitioner has approached this Court for quashing and setting aside of Criminal Case No.912 of 2009 arising out of C.R. No.179 of 2009 pending before the Court of Judicial Magistrate, First Class, Thane. The petitioner is charged with an offence punishable under Section 498-A of the Indian Penal Code.

 During the pendency of the present petition, parties have amicably settled the dispute amongst themselves and presented the Consent Terms before the Family Court at Thane. By the said Consent terms, petitioner as well as respondent no.2

have agreed to resolve the marriage solemnized on 4th May 1997 and resultantly, based on the said consent terms, the marriage between petitioner and respondent no.2 was dissolved by a Decree of Divorce on 15th June 2018.

2 In pursuance of the said development, the respondent no.2 has filed an affidavit before this Court on 4th April 2019. Respondent No.2 is also personally present before us. In the affidavit, she has given her No objection for quashing of the complaint as well as Criminal Case under Section 498A of the IPC.

On being inquired whether she had understood the statement made in the affidavit, the respondent no.2 confirms the same. In such circumstances, according to us, no useful purpose would be served by keeping the proceedings pending and in light of the judgment delivered by the Apex Court in case of *B.S. Joshi Versus State of Haryana, AIR 2003 Supreme Court 1386*, and in view of the fact that if the settlement between the parties could put an end to the discord between them, then continuation of the FIR would amount to abuse of process of law and in interest of justice, the same is liable to be quashed.

3 In such circumstances, we quash and set aside Case No.CC/912/2009 in C.R.No.I-79 of 2009 pending before

Learned JMFC Court at Thane for the alleged offences under Sections 498(A), 341 of the Indian Penal Code.

No order as to costs.

Writ Petition is disposed of accordingly.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)