

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

CRIMINAL APPLICATION NO.451 OF 2019

Mr.Santosh Kumar Singh & Ors. ..Applicant
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.Nilesh Khanvilkar for the Applicant.

Mr.S.R. Shinde, APP for the Respondent-State.

Mr.G.C. Mohanty i/b Mr.Rajesh Anand for Respondent No.2.

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

DATE : 24th JUNE 2019

P.C.

1. Not on board. Taken on board.
2. Heard the learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.
3. The petition is filed for quashing and setting aside the proceedings i.e. Criminal Case bearing RCC No.5102 of 2011 pending on the file of Judicial Magistrate First Class, Pune. The said case arises out of the registration of the FIR bearing C.R. No.234 of

2011 registered with Hinjewadi Police Station, Pune at the instance of respondent No.2 for offences punishable under Sections 498A, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

4. The applicant No.1 and respondent No.2 are husband and wife and rest of the applicants are relatives of the applicant No.1 and in-laws of respondent No.2.

5. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present application is one of them.

6. Pending Trial of the subject Criminal Case, parties have settled their dispute amicably and filed consent terms, copy of which is at Exhibit-B Page-25 of the petition.

7. In terms of the understanding arrived between the parties, they have now approached this Court for quashing of the subject Criminal Case by consent.

8. Respondent No.2 accordingly has filed affidavit dated 05th March 2019. In paragraph No.3, she has given no objection to

quash the subject proceedings. The applicant No.1 and respondent No.2 are personally present in the Court. Both of them have stated that they will abide by the consent terms. The statement is accepted as undertaking. The respondent No.2 has also stated that she has no objection for quashing of the subject proceeding.

9. 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 FIR 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 subject FIR is required to be quashed. 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.)