

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 513 OF 2019**

Bijayshankar Shivprasad Rajak and ors.	Applicants
versus	
The State of Maharashtra and anr.	Respondents

Mr. S. S. Karmarkar i/b. Karmarkar and Associates, advocates for the applicants.
Mr. Deepak Thakare, PP along with Mr. S. R. Shinde, APP for the State.
Ms. Vanashree Bhoir i/b. Ms. Reshma Apte, advocate for the respondent No.2.

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

DATE : 19th JUNE, 2019.

P. C. :

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

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of criminal case No.2467/PW/2014 pending on the file of learned Additional Metropolitan Magistrate, 66th Court at Andheri, Mumbai. The said case arises out registration of FIR bearing C.R. No.615 of 2013 with Powai Police Station at the instance of respondent No.2, for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the parents of the 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 before this Court in Family Court Appeal No. 21 of 2019. A copy of the said consent terms is annexed at "Exhibit -B", page 63. In terms of the said consent terms, the parties agreed to dissolve their marriage by mutual consent and applicant No.1 agreed to pay an amount of Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand Only) to respondent No.2 towards full and final settlement. The said amount of Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand Only) was agreed to be paid to respondent No.2 in three instalments. The first and second instalment of Rs.2,50,000/- and Rs.4,50,000/- respectively, amounting to Rs.7,00,000/- is already paid to respondent No.2.

4. In pursuance of the 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 18th June, 2019, wherein she has reiterated whatever that has been stated hereinabove and in paragraph 8, 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 proceedings of the subject criminal case out of 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 as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]