

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2687 of 2019**

Sandip Mukund Kamble and ors.Petitioners
versus
Smt. Priyanka Sandip Kamble and anr.Respondent

Mr. Satish B. Patil, advocate for the petitioners.
Dr. F. R. Shaikh, APP for the State.
Mr. U. R. Agnadsurve, advocate for respondent No.2.

**CORAM : RANJIT MORE &
N. J. JAMADAR, JJ.**

DATE : 30th AUGUST, 2019.

P. C. :

Mr. Patil, learned counsel for the petitioners, at the outset, seeks leave to amend the petition so as to give the details of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. The petition is filed for quashing and setting-aside the proceedings of RCC No.539 of 2019 pending on the file of JMFC, Panvel. The said case arises out of FIR bearing CR No.152 of 2019 which was initially registered with Sinhghadh Road Police Station, at the instance of respondent No.1, for the offences punishable under Sections 498A, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 and subsequently transferred to Taloja Police Station and renumbered as FIR No.23 of 2019.

3. Petitioner No.1 and respondent No.1 are husband and wife. Rest of the petitioners are the relatives of petitioner No.1. Matrimonial dispute between the parties gave rise to filing of several civil as well as criminal cases and the subject criminal case is one of them.

4. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed consent terms dated 30th August, 2019. The said consent terms are signed by petitioner No.1 and respondent No.1 along with their respective counsel. The same are taken on record. In terms of the settlement arrived between the parties, they have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Both petitioner No.1 and respondent No.1 are present before the Court. They have confirmed that they have gone through the consent terms and have fully understood the contents thereof. They make a common statement that they will abide by the terms of the said consent terms. The statement is accepted as an undertaking to this Court.

5. Respondent No.1 has also filed an affidavit dated 28th August, 2019. In paragraph 2, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent

No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof and she has no objection if the proceedings of the subject criminal case are quashed and set-aside. She also 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.

6. 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.1. 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 off as such.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]