

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 833 OF 2019**

Nishith Kiran Sheth and 3 ors.	Applicants
versus	
Dimple Nishith Sheth @ Dimple Rameshwar Nagi and anr.	Respondents

Ms. Jindagi Shah along with Mr. Zubair Jahangir, advocates for the applicants.

Mr. Adiya Andhorikar i/b. Mr. J. V. Thakker, advocate for respondent No.1.

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

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

DATE : 20th AUGUST, 2019.

P. C. :

1. Not on Board. The above application is heard since the connected matter is on board today.

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

3. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Sessions

Case No.33 of 2015 pending on the file of learned Additional Sessions Judge at Thane. The said case arises out FIR bearing M-No.5 of 2014 registered with Vashi Police Station, Navi Mumbai, at the instance of respondent No.1, for the offences punishable under Sections 498A, 406, 313 and 377 read with Section 34 of the Indian Penal Code, 1860.

4. Applicant No.2 and respondent No.1 are husband and wife. Rest of the applicants are the relatives of applicant No.1 and in-laws of respondent No.1. Matrimonial dispute between the parties gave rise to filing of several civil as well as criminal proceedings and the subject criminal case is one of them. The parties, however, with the intervention of their elders and well-wishers have settled their dispute amicably and, accordingly, filed consent terms before the learned Civil Judge (S.D.), Thane in M.P.No.462 of 2013, a copy of which is annexed at page 278 of the application. Having gone through the consent terms, we find that the parties have agreed to dissolve their marriage under Section 13-B of the Hindu Marriage Act, 1955. A detailed provision is also made in the consent terms for maintenance, upbringing and expenses of the child borne out of the marriage as well as maintenance and alimony of respondent No.1-wife. In clause (E) of the consent terms, respondent No.1 has agreed that she will give No Objection for quashing the proceedings of the subject criminal case by consent. 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.1 has accordingly filed an affidavit dated 12th August, 2019. In paragraph 4, she has given her no objection for quashing 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 application and the affidavit as well and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the proceedings of the subject criminal case on 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. From the perusal of complaint, it transpires 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 **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. Accordingly, the Sessions Case No.33 of 2015 pending on the file of learned Additional Sessions Judge at Thane and

arising out of registration of FIR bearing M-No.5 of 2014 with Vashi Police Station, Navi Mumbai, is quashed and set-aside.

6. The criminal application stands disposed off.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]