

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3572 OF 2019**

Harbans Singh Gill and Ors. Petitioners.

Versus

State of Maharashtra and Anr. Respondents

Mr. Samsher Garud i/b Jayakar & Partners, for the Petitioners.
Mr. F.R. Shaikh, APP for Respondent No.1-State.
Mr. Unmesh Breed, for Respondent No.2.

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

DATE : 13th September, 2019.

P. C. :

1. Heard learned counsel for the petitioners, learned counsel for Respondent no.2 and learned APP for Respondent-State.

2. The petition is filed under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of CC No.PW/0901909 of 2018 pending on the file of the learned Additional Chief Metropolitan Magistrate, 9th Court at Bandra, Mumbai. The said case arises out of FIR

bearing CR No. 291 of 2018 registered with Mahim Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498-A, 354-A, 504, 506, 377, 406, 509, 323 read with Section 34 of the Indian Penal Code, 1860.

3. Petitioner No.1 and respondent no.2 are the husband and wife. Rest of the petitioners are the relatives of petitioner no.1 and in-laws of respondent no.2. Matrimonial dispute between the parties gave rise for filing of civil as well as criminal proceedings against each others and the subject matter of present writ petition is one of them.

4. Learned counsel appearing for the respective parties submitted that pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed consent terms dated 10th June, 2019 before Family Court, Bandra, Mumbai in Petition No. A-2426 of 2018. A copy of the said consent terms is placed on record. In terms 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 accordingly filed affidavit dated

8th August, 2019 wherein in paragraph nos. 4 and 5, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case.

5. Petitioner nos. 1 and 2 are personally present before the Court. They made common statement that terms, conditions and undertaking given in the said consent terms shall be complied with. The statement is accepted.

6. In addition to this, respondent no.2 also stated that she has no objection to quash the proceeding of the criminal case. She also stated that she is giving no objection for quashing the said proceedings out of her free will and without there being any pressure or coercion.

7. 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 petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

8. All concerned to act on the authenticated copy of this order.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]