

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.937 OF 2017**

Aditi SinghApplicant
versus
The State of Maharashtra and anr.Respondents
with

CRIMINAL APPLICATION NO.919 OF 2017

Jaishri SinghApplicant
versus
The State of Maharashtra and anr.Respondents
with

WRIT PETITION NO.2969 OF 2019

Ankit SinghPetitioner
versus
The State of Maharashtra and anr.Respondents

Mr. Sachin H. Deokar, advocate for the applicants and petitioner.
Mr. S. R. Shinde, APP for the State.
Ms. Rouble Sorkkar i/b. Ms. Veena Gowda, advocate for respondent
No.2.

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

DATE : 3rd JULY, 2019.

P. C. :

Learned counsel for the applicants/petitioner seeks leave to amend the prayer clause of the applications and petition so as to give particulars of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. The above applications and petition arose out of registration of

FIR bearing CR. No.61 of 2017 with Colaba Police Station at the instance of respondent No.2- Shephali Sinha for the offences punishable under Sections 498A and 403 read with Section 34 of the Indian Penal Code, 1860 along with Sections 3 and 4 of the Dowry Prohibition Act. This FIR, having been investigated, charge-sheet is filed and numbered as 303/PW/2018 pending on the file of learned Metropolitan Magistrate, 8th Court, Esplanade, Mumbai.

3. The petitioner in writ petition No. 2969 of 2019 is the husband, the applicant in criminal application No. 919 of 2017 is the mother-in-law and the applicant in criminal application No. 937 of 2017 is the sister-in-law of respondent No.2- Shephali Sinha.

4. Matrimonial dispute between the parties gave rise to filing of civil and criminal cases and the subject criminal proceeding is one of them. Pending trial, the parties, however, with the intervention of the elders in the family and the well-wishers settled their dispute amicably and have, accordingly decided to get dissolved the marriage between the petitioner in writ petition No.2969 of 2019 and respondent No.2- Shephali Sinha. The said petitioner and respondent No.2 have filed Petition No.F-151 of 2019 under Section 13B of the Hindu Marriage Act, 1955 before the Family Court at Bandra, a copy of which is annexed at page 22 of the writ petition No. 2969 of 2019. In the petition filed before the Family

Court, the parties have agreed to get the subject criminal case quashed by filing proceedings in High Court. In pursuance of an understanding arrived at between the parties, they have now approached this Court for quashing the proceedings of the subject criminal case. Respondent No.2 – Shephali Sinha has accordingly filed 3 separate affidavits dated 2nd July, 2019. In paragraph 7 thereof, she has prayed for quashment of 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 applications, petition 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 said proceedings 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. Thus, the criminal case No.303/PW/2018 pending on the file of learned Metropolitan Magistrate, 8th Court at Esplanade, Mumbai and arising out of FIR bearing CR. No.61 of 2017 registered with Colaba Police Station is quashed and set-aside.

6. The above applications and petition are accordingly disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]