

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION**

CRIMINAL WRIT PETITION NO. 4103 OF 2019

Zankar Ashok Lele and Ors.

.....Petitioners

versus

The State of Maharashtra and Anr.

.....Respondents

Mr. M.N. Gawankar, for the Petitioners.

Mr. Deepak Thakare, PP a/w Mrs. A.S. Pai, APP, for Respondent
No.1- State.

Mr. P.P. Kulkarni, for Respondent No.2.

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

DATE : 13th September, 2019.

P. C. :

Heard learned counsel appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceeding of criminal case bearing CC No. 1927/PW/2017 pending on the file of learned Metropolitan

Magistrate, 9th Court at Bandra, Mumbai. The said case arises out of FIR bearing CR No. 125 of 2017 registered with Mahim Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Petitioner No.1 was married to respondent No.2. Rest of the petitioners are the family members of the petitioner and in-laws of respondent no.2. Marital dispute between the parties gave rise to filing of several criminal as well as civil cases and the subject matter of the present 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 25th July, 2019 before the Family Court, Bandra, Mumbai in Petition No. A-617 of 2015. A copy of the said consent terms is at Exh.B, Page 60 of the Petition. They further submitted that 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. Accordingly, respondent No.2 has filed an affidavit dated 13th September, 2019. In paragraph 7, she has given her no objection for quashing and setting-aside the subject FIR.

5. The petitioner and respondent No.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. In addition to this, the respondent no.2 has specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that that she has given no objection for quashing the subject criminal case out of her 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 case 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 is required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (a) and (b).

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]