

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3427 OF 2016**

Ravneet SandhuPetitioner
versus
State of Maharashtra and anr.Respondents

Mr. S. R. Soni, advocate for the petitioner.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. Shakeeb Shaikh I/b. Jhangiani Narula and Associates, advocates for
the respondent No.2.

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

DATE : 10th APRIL, 2019.

P. C. :

1. Learned counsel for the petitioner, at the outset, seeks leave to amend the prayer clause of the petition, so as to give particulars of the criminal case. Since amendment is necessitated by occurrence of events subsequent to the filing of the petition, leave as prayed for, is granted. Necessary amendment to be carried out forthwith.

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

3. The petition is filed for quashing and setting-aside the proceedings of criminal case No.2711 of 2016 pending on the file of learned Additional Chief Metropolitan Magistrate, Andheri, Mumbai. The

said case arises out of FIR No.53 of 2016 registered with MIDC Police Station, Andheri East, Mumbai, at the instance of respondent No.2, for the offence punishable under Section 406 of the Indian Penal Code, 1860.

4. Pending trial, the parties settled their dispute amicably and arrived at settlement in HMA/63/2016 pending before the Family Court Patiala House, New Delhi. A copy of the settlement deed is annexed at Exhibit -P1, page 4 of the petitioner's affidavit dated 9th April, 2019. 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 by consent. The respondent No.2 has filed an affidavit dated 8th April, 2019. In paragraphs 5 and 6 thereof, she has given her no objection for quashing and setting-aside 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 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 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 criminal case No.2711 of 2016 pending on the file of learned Additional Chief Metropolitan Magistrate, Andheri, Mumbai and arising out of registration of FIR No.53 of 2016 with MIDC Police Station, Andheri East, Mumbai, are quashed and set-aside. The writ petition is accordingly disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]