

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4623 OF 2019**

Amit Arun Medankar and Anr.Petitioners.
Versus
The State of Maharashtra and Ors.Respondents

Mr.R.V. Pai i/b B.R. Pai, for the Petitioners.
Mr. K.V. Saste, APP for the Respondent-State.
Mrs. P.H. Kantharia, for Respondent Nos. 4 to 6.
Ms. Siddhi Bhosale, for Respondent No. 7.

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

DATE : 23rd September, 2019.

P. C. :

Heard learned counsel for the respective parties.

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 RCC No. 2516 of 2019 pending on the file of the learned Judicial Magistrate, First Class, Pune. The said case arises out of FIR bearing CR No. 484 of 2018 registered with Swargate Police Station, Pune, at the instance of respondent No.7, for the offences punishable under Sections 323, 498-A, 504, 506 of the Indian Penal Code, 1860 and Section 67A of the Information Technology Act, 2000.

3. Petitioner No.1 and respondent no.7 are the husband and wife. Petitioner No.2 is the mother of petitioner no.1 and mother-in-law of respondent no.7. 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 of the above proceeding, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed joint pursis before the learned Judge, Family Court Pune, at Pune in P.A. No. 1769 of 2018. A copy of the said joint pursis is annexed at page no. 150 of the petition. The parties have resolved their differences and have been residing together. In clause 3(i) of the pursis, respondent no. 7 has undertaken to withdraw the subject FIR.

5. In terms of above 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.7 has accordingly filed affidavit dated

20th September, 2019 wherein she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. The petitioner no. 1 has also filed further affidavit dated 20th September, 2019, whatever stated herein-above is reiterated by him. The additional affidavit of petitioner no.1 and affidavit of respondent no. 7 are accordingly taken on record.

6. Both, Petitioner no. 1 and respondent no. 7 are personally present before the Court. They made common statement that they will abide by the statements made by them in the said pursis. The statement is accepted as undertaking to this Court.

7. Respondent no.7 on query, stated that she has no objection to quash the proceeding of the subject 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.

8. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the FIR, 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.7. 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 clauses (a), (c), (d) and (e) and the subject proceedings are quashed and set aside.

9. Consequently, Look Out Circular dated 27th December, 2018 issued against the petitioner no.1 by respondent no. 6 is also quashed and set aside.

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

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]