IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1319 OF 2019

Mr. Sudhakar Kumar and anr. ….Applicants
versus
Mrs. Navita Nand Kishor Choudaha and anr. ….Respondents

Mr. Pradeep Dube, advocate for the applicants.
Mr. Vishal Daniel, advocate for respondent No.1.
Dr. F. R. Shaikh, APP for the State.

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

DATE : 7th OCTOBER, 2019.

P. C. :

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

2. The application is filed for quashing and setting-aside the proceedings of criminal case bearing RCC No.921 of 2016 pending on the file of learned JMFC at Panvel. The said case arises out of FIR bearing CR I-269 of 2015 registered with Khargar Police Station, at the instance of respondent No.1, for the offences punishable under Sections 498A, 323, 504 and 506 (II) read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.1 are husband and wife. Applicant No.2 is the mother of applicant No.1. Matrimonial dispute

between the parties gave rise to filing of civil as well as criminal cases and the subject criminal case is one of them. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and , thereafter, have approached the Family Court at Jabalpur for filing divorce by mutual consent. The divorce petition is annexed at "Exhibit- C", page 73, to the petition. The parties have agreed to dissolve their marriage in view of the consent terms mentioned in paragraph 7 of the said divorce petition.

4. In pursuance of an 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.1 has also filed an affidavit dated 19th September, 2019. In paragraphs 3 to 5, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application 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 proceedings of the subject criminal case 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.1. 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 application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

[N. J. JAMADAR, J.] **[RANJIT MORE, J.]**