

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

CRIMINAL APPLICATION NO.1391 OF 2015

(Order corrected pursuant to the order dated 2nd August, 2019)

Santosh Prakash PundeApplicant
versus
The State of Maharashtra and anr.Respondents

with

CRIMINAL APPLICATION NO.1392 OF 2015

Kalpana Atul ParabApplicant
versus
The State of Maharashtra and anr.Respondents

with

CRIMINAL APPLICATION NO.1393 OF 2015

Shanta Prakash PundeApplicant
versus
The State of Maharashtra and anr.Respondents

with

CRIMINAL APPLICATION NO.1394 OF 2015

Prakash Vishnu PundeApplicant
versus
The State of Maharashtra and anr.Respondents

Ms. A. P. Madhuri, advocate for the applicants.
Mr. F. R. Shaikh, APP for the State.
Ms. Megha S. Punde, respondent No.2 in person.

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

DATE : 8th JULY, 2019.

P. C. :

1. Learned counsel for the applicants, at the outset, seeks leave to amend the prayer of the applications, so as to give particulars of the

criminal case. Since the applications are at the stage of admission, leave as prayed for, is granted. Necessary amendment be carried out forthwith.

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

3. All the four applications arise out of registration of common FIR bearing CR No. I 235 of 2015 with Nerul Police Station, Navi Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 406, 420, 504 and 507 read with Section 34 of the Indian Penal Code, 1860. The above referred FIR was investigated and charge-sheet was filed which was numbered as RCC No.273 of 2016. The same is pending on the file of learned JMFC at Vashi.

4. Applicant in criminal application No.1391 of 2015 and respondent No.2 got married in the year 2011. Rest of the applicants are the relatives of applicant in criminal application No.1391 of 2015 and in-laws of respondent No.2. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject matter of the present applications is one of them. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1976, before the Civil Judge Senior Division at Chandur Bazaar, Amravati. Accordingly, the marriage

between applicant in criminal application No.1391 of 2015 and respondent No.2-complainant is already dissolved. In pursuance 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. Respondent No.2 has also filed an affidavit dated 8th July, 2019, wherein she has expressly given consent to quash the proceedings of the criminal case against the applicants hereinabove. Respondent No.2 is personally present before the Court. Learned APP has verified the identity of respondent No.2 from her Aadhar Card bearing No.7186 1716 8560. On being questioned, respondent No.2 specifically stated that she has gone through the applications 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.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, subject criminal proceedings are required to be quashed and set-aside. Thus, the proceedings of RCC No.273 of 2016 pending on the file of learned JMFC at Vashi and arising from CR No. I 235 of 2015 registered with Nerul Police Station, Navi Mumbai are quashed and set-aside.

6. The criminal applications are disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]