

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1426 OF 2019

Shri Krushna Ramu DimbleApplicant
versus
The State of Maharashtra and anr.Respondents

Mr. Abhay A. Jadhavar, advocate for the applicant.
Mrs. Geeta Mulekar, APP for the State.
Ms. Priaya S. Jadhav, advocate for respondent No.2.

**CORAM : RANJIT MORE &
SURENDRA P. TAVADE, JJ.**

DATE : 11th FEBRUARY, 2020.

P. C. :

1. Mentioned for production. Taken up on production board in view of urgency.
2. Learned counsel for the applicant, at the outset, seeks leave to amend the cause-title of the application so as to correct the name of respondent No.2 and also amend the prayer clause (a) of the application, so as to give particulars of the criminal case. Since the application is at the stage of admission, leave as prayed for, is granted. Necessary amendment be carried out forthwith.
3. Heard learned counsel and learned APP appearing for the respective parties.

4. The application is filed for quashing and setting-aside the proceedings of RCC No.3051 of 2008 pending on the file of learned J.M.F.C., 4th Court at Pune. The said case arises out of FIR No.270 of 2008 registered with Sahakar Nagar Police Station, Pune, at the instance of respondent No.2, for the offences punishable under Sections 498A, 495 and 420 of the Indian Penal Code, 1860.

5. Applicant No.1 and respondent No.2 got married on 21st February, 2012. Matrimonial discord 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 and have filed joint pursis dated 17th January, 2020 in PA No.6 of 2020 before the Family Court at Pune. In terms of the Clause (6) of the said pursis, respondent No.2 has agreed to give consent for quashing the subject criminal case. PA No.6 of 2020 was filed by respondent No.2 before the Family Court No. 5 at Pune against the applicant for nullity of marriage under Section 11 of the Hindu Marriage Act, 1955. Nullity of marriage was sought on the ground that the applicant was already married and his marriage was in subsistence at the time of his marriage with respondent No.2. By the judgment and order dated 17th January, 2020, the Judge, Family Court No.5, Pune, allowed the PA No.6 of 2020 and marriage between the applicant and respondent No.2 came to be dissolved.

6. 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.2 has also filed an affidavit dated 11th February, 2020, wherein she has reiterated whatever that has been stated hereinabove and in paragraph 6, 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 application and the affidavit as well and has fully understood the contents thereof. She has further confirmed that she has no objection for quashing the subject FIR as well as criminal case bearing RCC No.3051 of 2008 pending on the file of learned J.M.F.C., 4th Court at Pune.

7. 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 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 of as such.

[SURENDRA P. TAVADE, J.]

[RANJIT MORE, J.]