

Ferdinand Anthony D'Souza ... Petitioner
Vs.
State of Maharashtra and another ... Respondents

Ms Mildred Dias for Petitioner.
Mrs. M. M. Deshmukh, APP for Respondent No.1-State.
Ms Vishranti Navala for Respondent No.2.

**CORAM: RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 23RD OCTOBER, 2015.

P.C.:

Heard Mr. Dias, learned Counsel for petitioner, Mrs. Deshmukh, learned APP for respondent No.1-State and Ms Navala, learned Counsel for respondent No.2.

2. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing C.R. No.378 of 2013 registered with Santacruz Police Station at the instance of respondent No.2, for the offence punishable under Section 498-A of the Indian Penal Code, 1860.

3. Petitioner and respondent No.2 were the husband and wife.

Matrimonial dispute between the parties gave rise to filing of several criminal as well as civil matters. Subject matter of the present petition is one of them.

4. Pending investigation, parties have settled their dispute amicably and have approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No.2 has filed an affidavit dated 23.10.2015. In paragraph 4, she has given no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the proceedings of the subject criminal case is quashed and set-aside as they have settled the dispute in terms of the consent terms filed before the Family Court at Bandra. Both the Counsel appearing for the respective parties state that the consent terms would be complied with. Statement accepted.

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 proceedings of the subject FIR 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 FIR is required to be quashed. The Petition is, accordingly, allowed in terms of prayer clause (a) and is disposed of as such.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

Minal Parab