

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 648 OF 2015

1.Mr. Shubhash Shyamlla Parchhe
2.Mrs. Vandana Shubhash Parchhe
3.Mr. Hemraj Shubhash Parchhe
4. Mr. Manish Shubhash Parchhe
5. Mr. Nitin Babukishen Parchhe
6. Mr. Amit Pratap Rathore

....Applicants

versus

1. The State of Maharashtra
2. Mrs. Brijesh Hemraj Parchhe.

....Respondents

Mr. Vincent X D'silva, advocate for the applicants.

Mrs. S.V. Sonavane, APP for the State.

Mr. Suresh Upadhyay, advocate for respondent No.2.

CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.

DATED : 20th JULY, 2015.

P.C.:

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing FIR No.244 of 2014 registered with Mankhurd Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.3 and respondent No.2 got married on 6th May, 2013. Rest of the applicants are the family members of applicant No.3. Marital dispute between the parties led to filing of civil as well as criminal cases, and the subject FIR is one of them. During the pendency of the investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 20th July, 2015. In paragraph 4, respondent No.2 has given her express consent 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 fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside. She also stated that she is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

4. 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 FIR is required to be quashed and set-aside. The application is, accordingly, made absolute in terms of prayer clause (a).

5. At this stage, learned counsel for the applicants and respondent No.2 makes a common statement that applicant No.3, in terms of the consent terms, agreed to pay to respondent No.2 an amount of Rs.2,40,000/-. Learned counsel for the applicants submit that an amount of Rs.1,20,000/- has already been paid to respondent No.2. This statement is not disputed by learned counsel for respondent No.2. Learned counsel for the applicants further state that out of the balance amount of Rs.1,20,000/-, an amount of Rs.60,000/- would be paid to respondent tomorrow by way of demand draft and the balance amount of Rs.60,000/- would be paid to respondent No.2 after dissolution of marriage by decree of divorce. The statement is accepted.

6. In the light of the above order, the criminal application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)