

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2871 OF 2015

1. Sudam Ganpati Kamble
2. Smt. Jijabai Ganpati Kamble
3. Smt. Sheela Bhagwan Kamble
4. Smt. Indubai Anil Hirave
5. Bhikaji Ganpati Kamble
6. Madhukar Ananda Kamble

....Petitioners

versus

1. The State of Maharashtra
2. Smt. Laxmi Sudam Kamble

....Respondents

Mr. Ravi Garnani i/b. Pradeep Hingorani, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Ms. Archana P. Gaikwad, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 29th JULY, 2015.

P.C.:

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

2. The petition is filed for quashing and setting-aside FIR bearing C.R.No.109 of 2014 registered with Dharavi Police Station, at the instance of respondent No.2, for offences punishable under Sections 498A, 494, 420, 312 read with Section 34 of the Indian Penal Code, 1860.

3. The marriage between petitioner No.1 and respondent No.2 was solemnised on 8th February, 2012. Rest of the petitioners are the family members of petitioner No.1. Marital dispute between the parties gave rise to filing of civil as well as criminal cases. The subject matter of the present petition is one of the offshoots of the same. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing and setting-aside the subject FIR by consent. Respondent No.2 has filed an affidavit dated 15th July, 2015. The said affidavit is annexed at page 28 of the petition. In last paragraph, she has given her no objection for quashing 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 and setting aside 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 cases of **Narinder Singh and ors. Versus State of Punjab and anr. 2014 AIR**.

(SCW) 2065 and B.S.Joshi versus State of Haryana AIR 2003 SC

1386, we are of the view that quashing 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 subject FIR is required to be quashed and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)