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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3191 OF 2015**

1. Ranjeet Singh Baldev Singh Notay and ors.Petitioners

versus

1. State of Maharashtra

2. Mrs. Parmeet Kaur Ranjeet Singh NotayRespondents

Mrs. Vrishali Raje, advocate for the petitioners.

Mr. A. M. Saraogi, advocate for the respondent No.2.

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

DATED : 12th AUGUST, 2015.

P.C.:

Heard learned counsel appearing for the respective parties.

2. The petition is filed for quashing and setting-aside FIR bearing C.R.No.182 of 2015 registered with Andheri 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. Petitioner No.1 and respondent No.2 are husband and wife. 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 them.

4. During investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject FIR by consent. A common statement is made by learned counsel appearing for the respective parties that petitioner No.1 shall pay total amount of Rs.12,40,000/- to respondent No.2, out of which, an amount of Rs.6,20,000/- would be paid today and the balance amount of Rs.6,20,000/- would be paid on the date, on which, respondent No.2 would give consent to convert the M.J.Petition No.A/1073/2015 into divorce petition by mutual consent. Petitioner No.1, accordingly, handed over pay order drawn on Union Bank of India to respondent No.2 for an amount of Rs.6,20,000/-. Respondent No.2 acknowledges the receipt of the said amount. Petitioner No.1 undertakes that balance amount would be paid on the date, on which, respondent No.2 would give consent to convert the above petition into divorce petition by mutual consent. The aforesaid statement and undertaking accepted.

5. Respondent No.2 has filed an affidavit dated 12th August, 2015. In paragraph 6, she has stated that in view of the settlement, she has no objection if the subject FIR is quashed and set-aside. 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 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.)