

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3323 OF 2015

- | | | |
|----|----------------------------|----------------|
| 1. | Piyush Sakharam Agarwal | |
| 2. | Sakharam Dwakanath Agarwal | |
| 3. | Paresh Agarwal | ..Petitioners. |
| | V/s. | |
| 1. | Priti Piyush Agarwal | |
| 2. | The State of Maharashtra | ..Respondents. |

Mr.S.S.Diwan for the petitioners.

Mr.S.P.Joshi for respondent No.1

Mr.J.P.Yagnik, A.P.P. for the respondent-State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 26TH AUGUST, 2015

P.C. :-

1. Heard learned counsel for the petitioners, the learned counsel for respondent No.1 and the learned A.P.P. for the State.
2. This petition is filed under the provisions of Article 226 of Constitution of India, for quashing F.I.R. bearing C.R. No.35/2015 registered with the Chinchwad Police Station, Pune at the instance of respondent No.1 against the petitioners for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code.

3. Petitioner No.1 and respondent No.1 are husband and wife and the rest of the petitioners are family members of petitioner No.1. Matrimonial dispute arose as a result of which civil as well as criminal proceedings were filed. The subject matter of the present petition is one of them. Pending investigation, the parties have approached this Court for quashing the proceedings in the subject F.I.R. by consent since they have amicably settled their dispute. Respondent No.1 has filed an affidavit dated 25th August, 2015. In paragraph 8, she has stated that petitioner No.1 and she herself have decided to peacefully part their ways, she has no objection if the F.I.R. bearing No.35/2015 is quashed. The complainant-respondent No.1 is personally present before the Court. The complainant is identified by her Advocate. On being questioned, respondent No.1 stated that she has gone through her affidavit and has fully understood the contents thereof and has no objection to quash the F.I.R. She also stated that she is giving no objection for quashing the said F.I.R. out of her 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.1. 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 criminal proceedings are required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)