

Mr. Naushad Shaikh i/b. Mrs. T. F. Irani for Petitioners.
Mrs. M. M. Deshmukh, APP for Respondent No.1-State.
Mr. Dattatray Adorkar i/b. Mr. Abhishek Chaturvedi for Respondent No.2.

DATE : 23RD OCTOBER, 2015.

Heard Mr. Shaikh, learned Counsel for petitioners, Mrs. Deshmukh, learned APP for respondent No.1-State and Mr. Adorkar, learned Counsel for respondent No.2.

 $1/3$

3. Petitioner and respondent No.2 are the husband and wife. Rest of the petitioners are the family members of the petitioner No.1. 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 filed consent terms before the Family Court, and in pursuance of the understanding arrived at between them, have approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No.2 has filed an affidavit dated 10.09.2015. In paragraphs 11 and 12, she undertakes to withdraw the subject FIR and the allegations made therein. 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 subject FIR is quashed and set-aside.

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