

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3817 OF 2015

Mr. Samadhan Raghunath Jadhav & Ors. ..Petitioners.

Versus

Mrs. Manisha Samadhan Jadhav & Anr. ..Respondents.

Mr. H.G.Wakshe, advocate for petitioners.

Mr. H.B.Nigde-Deshmukh, advocate for respondent no.1.

Mrs. U.V.Kejriwal, APP for the State.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : 23rd September, 2015.

P. C. :

Heard learned counsel appearing for the respective parties.

2 This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the F.I.R. bearing C.R.No.226 of 2014 registered with Byculla Police Station at the instance of respondent no.1 for the offence punishable under Section 498-A, 406, 313 read with Section 34 of the Indian Penal Code, 1860.

3 Petitioner No.1 and respondent no.1 are husband and wife respectively. Rest of the petitioners are family members of the petitioner no.1. Matrimonial disputes between the parties gave rise to the filing of subject F.I.R. Pending investigation, parties settled their disputes amicably and have approached this Court for quashing the subject F.I.R. by consent.

4 Respondent no.1 has filed affidavit dated 23.9.2015. In paragraph 5 of it, she has given no objection to quash the proceedings of the subject F.I.R. Respondent no.2 is personally present in 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. She also stated that she is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

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 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. The petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

Parties to act on an authenticated copy of this order.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.