

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4075 OF 2015

Siddhesh Shivajirao Chaugule. ..Petitioner.

Versus

State of Maharashtra & Another. ..Respondents.

Ms. K. H. Rajani for the Petitioner.
Mr. K. V. Saste, learned APP for the State.
Mr. Sumeth Kale for Respondent No.2.

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

Date : **October 13, 2015.**

P. C. :

1. This is a petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, whereby the Petitioner has sought to quash and set aside FIR No.215 of 2014 registered against him with Dahisar Police Station, Mumbai. Said FIR is registered at the instance of Respondent No.2, leveling accusations of the commission of offence punishable under sections 504 and 506 of IPC.

2. The Petitioner and Respondent No.2 got married on 7th March 2011. Frictions arose in the marital relationship leading to the filing of civil as well as criminal proceedings by the parties against one another and the subject matter of present petition is one of them.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation of above FIR, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual settlement. They submitted that parties have already obtained divorce by mutual consent and pursuant to the understanding arrived at between them, in order to put an end to all acrimonies, present petition is filed for quashing the above FIR with the consent of Respondent No.2.

4. Affidavit dated 3rd October 2015 has been filed by Respondent No.2 wherein she has stated that she does not want to continue with the prosecution of the Petitioner in the subject FIR and has further recorded her no objection for quashing the FIR registered at her instance.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the FIR in question lodged by her against the Petitioner for the offence punishable under sections 504 and 506(II) of the Indian Penal Code, 1860.

6. The Apex Court in B. S. Joshi vs. State of Haryana

reported [AIR 2003 SC 1386] has held that in the event of settlement of matrimonial dispute, the FIRs concerning offences registered as a result of matrimonial disputes, even though are not compoundable in terms of Section 320 of the Cr.P.C., High Court in exercise of its inherent jurisdiction under section 482 can quash such FIRs.

7. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

8. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Consequently, petition is made absolute in terms of prayer clause (b).

[R. G. KETKAR, J.]

[RANJIT MORE, J.]