

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1176 OF 2015

Mr. Karan Chhotelal Gupta and ors. ..Applicants
Versus
The State of Maharashtra and anr. ..Respondents

Mr. S. M. Pawar, advocate for the applicants.
Mrs. R. M. Gadhavi, APP for the State.
Mr. Harideep Singh, advocate for respondent No.2.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 29th OCTOBER, 2015.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The criminal application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR No.434 of 2014 registered with Samta Nagar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498-A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the family members of applicant No.1. Marital dispute between the parties gave rise to filing of several criminal

as well as civil matters. The subject matter of the present application is one of them. Pending investigation, the parties have settled their dispute amicably, and in pursuance of an 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 28th October, 2015, wherein she has stated that the dispute between her and the applicants is amicably settled and therefore, 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 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.

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 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 criminal application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

5. At this stage, learned counsel for respondent No.2 points out that the Investigating Officer of the Samta Nagar Police Station has seized some of the articles from the applicant No.1's house by making a panchanama. Learned counsel for the applicants submitted that since the articles seized under the said panchanama belongs to respondent No.2, he has no objection if the same are handed over to respondent No.2. A copy of the the panchanama is annexed to respondent No.2's affidavit dated 28th October, 2015 as "Annexure A". Learned counsel for respondent No.2, therefore, seeks directions to the Investigating Officer of the subject FIR to handover the said articles to respondent No.2. We, therefore, direct the investigating officer of the subject FIR to handover the articles seized from the applicant No.1's house under seizure panchanama dated 7th January, 2015 to respondent No.2 on her making an appropriate application.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]