

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1182 OF 2015

1. Sweekar B. Vaishnav	
2. Bhadrayu A. Vaishnav	..Applicants
Versus	
1. The State of Maharashtra	
2. Ms. Krupa S. Vaishnav	..Respondents

Mr. Subir Sarkar, advocate for the applicants.
Mr. K. V. Saste, APP for the State.
Ms. Swapna Kode, 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 Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR bearing C.R.No.530 of 2014 registered with Andheri Police Station, Mumbai, 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. Applicant No.2 is the father of applicant No.1. Marital dispute between the parties gave rise to filing 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, they 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. In paragraph 5, she has given her no objection for quashing and setting-aside the subject FIR. 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. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]