

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4323 OF 2015

Sanjay M. Landge.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. U. R. Agandsurve for the Petitioner.

Mr. K. V. Saste, learned APP for the State.

Mr. S. V. Marwadi i/b D. T. Tiwari for Respondent No. 2.

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

Date : **October 30, 2015.**

P. C. :

1. Heard. By this petition, under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, the Petitioner is seeking to quash and set aside FIR bearing No.175 of 2015 registered against him with Tembhurni Police Station. The said FIR is registered at the instance of Respondent No. 2 and the allegations levelled against the Petitioner are for the offence punishable under sections 326, 323, 504 and 506 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of

mutual settlement and pursuant to the understanding arrived at between them, the instant application / petition is filed for quashing the above FIR, by consent of Respondent No.2.

3. The Petitioner and Respondent No.2 are husband wife. Without commenting in any manner on the allegations levelled against the Petitioner, suffice it would be to state that as the couple wants to lead a peaceful life, we are inclined to exercise our jurisdiction in the instant case to ensure that family ties are strengthened by putting an end to criminal prosecution of the husband by Respondent No.2 wife who are residing together.

4. Affidavit dated 30th October 2015 has been filed by Respondent No.2, wherein she has stated that she is not interested in continuing with the criminal prosecution of the the Petitioner in the subject FIR. She has solemnly affirmed that she is withdrawing all the allegations made against the Petitioner in the said FIR and that she has no objection for quashing the FIR in question.

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 subject FIR initiated by her against the the Petitioner.

6. The Petitioner is also present before us. He assured that such incident will not happen again in future.

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 case. 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 FIR alive except ultimately burdening the Criminal Courts which are already overburdened. 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 FIR in question. Consequently, writ petition is made absolute in terms of prayer clause (a). No order as to costs.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]