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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4508 OF 2015

Rahul Vasant Thakur and Ors.

..Petitioners.

V/s.

The State of Maharashtra and Ors.

..Respondents.

Mr.Vishal Deshmukh i/b. Mr. S.V.Ghorpade for the petitioners.

Mrs.S.V.Sonvane, APP for respondent-State.

Ms.Anita Y. Murgude for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 23RD DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the applicants, learned counsel for respondent No.2 and learned A.P.P. for the State. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing C.R. No. 254/2015 registered with the Vanrai police station, Goregaon (East), Mumbai at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 498A, 406 323, 509 read with Section 34 of the Indian Penal Code.

2. Petitioner No.1 and respondent No.2 are husband and

wife and rest of the petitioners are family members of petitioner No.1. Matrimonial disputes between the parties gave rise to the filing the subject F.I.R.

3. The parties have amicably settled their disputes and are now living together. Pending investigation, in pursuance of an understanding arrived at between them, the parties have approached this Court for quashing of the subject F.I.R. by consent. Respondent No.2 has filed an affidavit dated 4th December, 2015. In paragraphs 6 and 7, she has stated that she has no objection if the subject F.I.R. is quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 has specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. She also states that she is giving no objection for quashing the subject F.I.R. 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. 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 offence. 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 **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the view that quashing of the proceedings of the criminal case would be in the interest of respondent No.2. Besides that, 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 F.I.R. is required to be quashed.

5. Accordingly, the petition is made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)