

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4781 Of 2015

Mr. Vicky T. Maker & Ors. .. Petitioners

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Siddharth R. Ingule, for the Petitioners.

Mr. J.P. Yagnik, APP for the State.

Ms. K.H. Rajani, for the Respondent No. 2.

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

DATE : 16th DECEMBER 2015

P.C. :

1. Heard learned Counsel appearing for respective parties and learned APP.

2. The petition is filed under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR No. 374 of 2014 registered with Bandra Police Station, Mumbai, at the instance of Respondent No. 2, for the offences punishable under Sections 498A, 406, 420,

504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The Petitioner No.1 and Respondent No. 2 were married on 4th June 2013. Rest of the Petitioners are the family members of Petitioner No. 1. Marital dispute between the parties gave rise to filing several criminal as well as civil matters. The subject matter of the present Petition is one of them.

4. Pending investigation, the parties have settled their dispute amicably. Accordingly, they have entered into the Memorandum of Understanding, a copy of which annexed at “**Exh.B**”. According to the Memorandum of Understanding arrived at between them, Petitioner No. 1 and Respondent No. 2 have approached the Family Court, Bandra and obtained divorce. In terms of this Understanding, the Petitioner No. 1 has deposited an amount of Rs. 5,00,000/- towards full and final alimony of Respondent No. 2. After the decree of the divorce, an amount of Rs. 2,50,000/- is already withdrawn by Respondent No.2 and balance amount Rs. 2,50,000/- is to be withdrawn after quashing the subject FIR.

5. Respondent No. 2 has also filed an Affidavit dated 16th December 2015. In paragraph 5, she has given no objection for

quashing 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. 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.

6. 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 Petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

7. Respondent No. 2 is at liberty to apply in the Family Court for withdrawal of balance amount of Rs. 2,50,000/- deposited

by Petitioner No. 1 and, in the event such an Application is preferred, the Family Court shall pass an appropriate order.

[V.L. ACHLIYA, J.]

[RANJIT MORE, J.]