

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1361 OF 2015

Mr. Sanjay Waman Halande	..Applicants
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. A. N. Pathan, advocate for the applicants.
Mr. J. P. Yagnik, learned APP for the State.
Mr. Wasim Ansari, advocate for respondent No.2.

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

DATE : 22nd DECEMBER, 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 bearing C.R. No.318 of 2015 registered with Kothrud Police Station, Pune, at the instance of respondent No.2, for the offences punishable under Sections 498A, 324, 323, 504 and 506 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 criminal case which is the subject matter of the present application. 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 22nd December, 2015. In paragraph 4, 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 the dispute between her and her husband – petitioner No.1 has been settled amicably and since they are now staying together, 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. Accordingly, the FIR bearing C.R.No.318 of 2015 registered with Kothrud Police Station, Pune, at the instance of respondent No.2, for the offences punishable under Sections 498A, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 is quashed and set-aside. The criminal application is, accordingly, disposed of.

[V. L. ACHLIYA, J.]**[RANJIT MORE, J.]**