

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.69 OF 2016

Mr. Hemant Zunzarao Shinde-Patil	..Petitioner
Versus	
State of Maharashtra and ors.	..Respondents

Ms. Anita Bhaktwani, advocate for the petitioner.
Mr. F. R. Shaikh, APP for the State.
Mr. M. Y. Patel i/b. Mr. Abhishek Sathe, advocate for respondent No.2.

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

DATE : 15th FEBRUARY, 2016.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR bearing C.R.No.I- 429 of 2015 registered with Naupada Police Station, Thane, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

3. Petitioner and respondent No.2 are husband and wife. Respondent Nos. 3 and 4 are the parents of the petitioner. Marital

discord between the parties gave rise to filing of civil as well criminal cases and the subject matter of the present petition is one of them. Pending investigation, the parties have settled their dispute amicably, and have agreed to obtain divorce by mutual consent. Accordingly, consent terms to that effect came to be filed in criminal bail application No. 429 of 2015, a copy of which is annexed at "Exhibit D", page 20. In terms of an understanding arrived at between them, the parties have now approached this Court for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 15th February, 2016. In paragraph 6, she has given her 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.

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]