

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 59 OF 2016

Shreyas R. Shah and anr. ..Applicants
Versus
The State of Maharashtra and anr. ..Respondents

Ms. Swapana P. Kode, advocate for the applicants.
Mr. S. K. Shinde, PP along with Mr. K. V. Saste, APP for the State.
Mr. Subir Sarkar, advocate for respondent No.2.

**CORAM : RANJIT MORE &
A. K. MENON, JJ.**

DATE : 18th JANUARY, 2016.

P. C. :

Mentioned for production. Taken up on production board.

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

3. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing CR No. 275 of 2015 registered with V. P. Road Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 504 and 506(I) read with Section 34 of the Indian Penal Code, 1860.

4. The applicant No.1 and respondent No.2 were married to each other on 12th December, 2013. The applicant No. 2 is the mother of applicant No.1. Marital discord between the parties gave rise to filing of the subject FIR. Pending investigation, the parties settled their dispute amicably and, accordingly, obtained divorce by mutual consent and thereafter 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 16th January, 2016. In paragraph 5, she has given her consent for quashing and setting-aside 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 and set-aside. She also stated that she is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

5. 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. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[A. K. MENON, J.]

[RANJIT MORE, J.]