

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 145 OF 2016

Mr. Sunil Sopan Reddy and ors.	..Applicants
Versus	
The State of Maharashtra and anr.	..Respondents

Ms. Sandhya Mailagir i/b. Mr. Anil D. Joshi, advocate for the applicants.
Mrs. U. V. Kejriwal, APP for the State.
Mr. Sunil Tiwari along with Ms. Neesha Mailagir, advocate for respondent No.2.

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

DATE : 25th FEBRUARY, 2016.

P. C. :

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

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR No. I-476 of 2014 registered with Kapurbawadi Police Station, Thane, at the instance of respondent No.2, for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the family members of the applicant

No.1. Marital discord between the parties gave rise to filing of civil as well as criminal cases, and the subject FIR is one of them. Pending trial, the parties settled their dispute amicably and have filed consent terms in the family Court at Thane in Marriage Petition No.A/295 of 2015, a copy of which is annexed at Exhibit “C”, page 33. Thus, in pursuance of an understanding arrived at between the parties, they have now approached this Court for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 22nd February, 2016. In paragraph 14, 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 subject 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 criminal proceedings 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.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]