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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.820 OF 2016

Prem Mahabal Yadav and Ors.	..Petitioners.
V/s.	
The State of Maharashtra and Ors.	..Respondents.

Mrs.A,.A,.Shreshta for the petitioners.

Ms.S.D.Shinde, APP for respondent-State.

Ms.Sunita P. Yadav - respondent No.2 in person.

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

DATED : 3RD MARCH, 2016

P.C. :-

1. Heard learned counsel for the petitioners, respondent No.2 in person and learned A.P.P. for the State.

2. This writ petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing C.R. No.193/2015 registered with the M.I.D.C. police station, Mumbai at the instance of respondent No.2 against the petitioners for the offence punishable under Sections

498A, 406, 323 and 504 read with Section 34 of the Indian Penal Code.

3. Petitioner No.1 and respondent No.2 are husband and wife and rest of the petitioners are family members of petitioner No.1. Matrimonial dispute between the parties gave rise to the filing of civil as well as the subject criminal F.I.R.

4. Pending investigation, the parties have amicably arrived at a settlement and filed consent terms in the Family Court, Bandra, Mumbai in M.Petition No.A-1383/2015 and in terms of the said consent terms, petitioner No.1 had agreed to pay respondent No.2 a sum of ₹4,50,000/- by way of full and final settlement. Petitioner No.1 has already deposited the said amount in the Family Court, Bandra, Mumbai. Respondent No.2 is entitled to withdraw the said amount after finalization of the subject F.I.R.

5. In pursuance of the settlement as stated hereinabove, the parties have approached this Court for quashing of the subject F.I.R. by consent. Respondent No.2 has filed an affidavit on 2nd March, 2016. She has stated that in

paragraph 7 that in view of the consent terms, she does not want to proceed with the subject F.I.R. Respondent No.2 is personally present before the Court. On query from the Court, respondent No.2 has specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. She also states that she is giving no objection for quashing the subject F.I.R. 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. From the perusal of complaint, it transpires that the allegations are personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any serious impact on the society. 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 proceedings of the criminal case would be in the interest of respondent No.2. Besides that, 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 F.I.R. is required to be quashed.

7. Since the subject F.I.R. is the only criminal case filed at the instance of respondent No.2 against the petitioner, respondent No.2 is entitled to withdraw the amount of ₹4,50,000/- deposited by petitioner No.1 in M.Petition No.A-1383/2015 before the Family Court, Bandra, Mumbai.

6. Accordingly, the petition is made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)