

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2397 OF 2015

Mr. Sandeep Jaywant Pawar and ors.	..Petitioners
Versus	
Shweta Sandeep Pawar and anr.	..Respondents

Mr. Sadanand Shetty i/b. Miss Deepal A. Thakkar, advocate for the petitioner.
Ms. Lakshmi Raman, advocate for respondent No.1.
Mrs. S. V Sonavane, APP for the State.

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

DATE : 18th 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 the FIR bearing C.R. No.187 of 2014 registered with Worli Police Station, at the instance of respondent No.1, for the offences punishable under Sections 420, 498A, 506 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 was married to respondent No.1 on 23rd May, 2013. Rest of the petitioners are the family members of petitioner No.1. Marital discord between the parties gave rise to filing of civil as well as criminal cases and the subject matter of the present petition is one of them. Pending investigation, the parties have settled their dispute amicably, and accordingly, obtained divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. In pursuance of an understanding arrived at between them, now they have approached this Court for quashing the subject FIR by consent. Respondent No.1 has, accordingly, filed an affidavit dated 12th May, 2015. In paragraph 6, she has given her no objection for quashing the subject FIR. Respondent No.1 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 FIR would be in the interest of respondent No.1. 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 (a) and is disposed of as such.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]