

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3666 OF 2015

Shivaji Pithuram Waghmare and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Kirankumar Jagannath Phakade, advocate for the petitioners.
Mr. J. P. Yagnik, APP for the State.
Mr. Dilip Shinde, respondent No.2 in person.

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

DATE : 7th JANUARY, 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 the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR bearing CR No. I153/2015 of registered with Nerul Police Station, Navi Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 420, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the family members of petitioner No.1. Marital discord between the parties gave rise to filing of the FIR which is the subject matter of the present petition. Pending investigation, the parties have settled their dispute amicably and have started living together, and 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 23rd December, 2015. In paragraphs 2 and 4, she has given her no objection 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 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 and set-aside. 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.]