

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1342 OF 2015

Mr. Monil Rajendra Kataria	..Applicant
Versus	
The State of Maharashtra and anr.	..Respondents

Mrs. Sonal V. Parab, advocate for the applicant.
Mr. K. V. Saste, APP for the State.
Ms. Nidhi G. Dotiya, advocate for respondent No.2.

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

DATE : 12th JANUARY, 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 and setting-aside the FIR bearing CR No. 147 of 2015 registered with Amboli Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 406 and 504 of the Indian Penal Code, 1860.

3. The applicant No.1 and respondent No.2 are husband and wife. Marital discord between the parties gave rise to filing of the FIR which is the subject matter of the present application. Pending investigation, the parties have settled their dispute amicably and have filed consent terms

dated 10th December, 2015 in the petition under Section 13-B of Hindu Marriage Act, 1955 which is pending before the Family Court at Bandra. A copy of the said consent terms is annexed at "Exhibit B", Page 18 of the application. They have, accordingly, approached this Court for quashing and setting-aside the proceedings of the subject FIR by consent. Respondent No.2 has filed an affidavit dated 17th December, 2015. In paragraph 7, 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 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 proceeding of 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.

5. As per the consent terms, the applicant is required to pay an amount of Rs. 3,00,000/- by way of demand draft today. Learned counsel for the applicant, accordingly, handed over the demand draft for an amount of Rs.3,00,000/- to respondent No.2 who is present before the Court.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]