

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.6 OF 2017

Rakesh Sudhir Ghosh

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.P.D. Kavale, Advocate for the Applicant.
- Mrs.M.H. Mhatre, APP for the State/Respondent.
- Respondent No.2 present in person.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 01st JULY, 2017.**

P.C. :

1. Heard the learned counsel for the applicant, respondent No.2 and learned APP.

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 and setting aside FIR bearing C.R.No.I-149/16, registered with Mira Road Police Station, Mumbai. The said FIR is registered against the

petitioner at the instance of respondent No.2 for the offences punishable u/s 498-A, 328, 323 of the Indian Penal Code.

3. The petitioner and the respondent No.2 are the husband and wife. Due to matrimonial dispute and misunderstanding between the parties, the respondent No.2 filed subject FIR. However, due to intervention of the relatives, the dispute is settled and in pursuance of the understanding arrived at between them, they have approached this Court for quashing the FIR by consent. The respondent No.2 has filed the affidavit dated 20/12/2016. In paragraph No.6 she has given consent for quashing the said FIR.
4. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set aside. She has 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.
5. 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 vs. 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. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)