

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 180 OF 2017

1.Mr. Nitin Sekhar
2.Mr. Narakkalath Shankar Chandrasekhar
3.Mrs. Susila Sekhar
4.Miss. Lata Sekhar
All Adult, All residing at EMP 47/201,
Phase -5,Thakur Village,
Kandivali (East),
Mumbai 400101Applicants.

vs.

1.Mrs. Poonam Nitin Sekhar
nee Poonam Malhotra
Age 33 years, Occ.?Service,
Residing at 902, ISRA Mahavir
Millennium Pokhran Road No.2,
Near Garden Enclaves,
Thane 400610.
2.State of Maharashtra.Respondents.

Mr. Ajay Raghbir Chander Sethi for the Applicants.
Mr. Rajiv Jadhav for Respondent No.1.
Mr. S.R.Shinde, APP for the State.

CORAM: SHRI RANJIT MORE &
A.S.GADKARI, JJ.
DATE : 01st August, 2017

P.C.

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

2. The present application is filed under Section 482
of the Code of Criminal Procedure 1973, for quashing and

setting aside FIR No.372 of 2013 registered with Vartak Nagar Police Station, Thane at the instance of respondent No.1, for the offences punishable under Sections 498A, 406, 323, 504 and 506 of the Indian Penal Code, 1860.

3. The applicant No.1 was married to respondent No.1. Rest of the petitioners are the family members of applicant No.1. Marital dispute between the parties gave rise to filing of criminal as well as civil proceedings. The subject FIR is one of them. Pending investigation, the parties have settled their dispute amicably 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.1 has filed an affidavit of consent dated 13.2.2017 and in Paragraph 12 she has given no objection for quashing and setting aside 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 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 A.I.R. 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 Application is, accordingly, made absolute in terms of prayer clause (a) of the application and is disposed of as such.

(A.S.GADKARI, J.)

(RANJIT MORE, J.)