

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

**CRIMINAL WRIT PETITION NO.1135 OF 2017**

Sunny Katara & Ors.

.... Petitioners

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.S.D. Butala, Advocate for the Petitioners.
- Mrs.M.H. Mhatre, APP for the State/Respondents.
- Mr.A.M. Landge, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &  
SARANG V. KOTWAL, JJ.**

**DATE : 19<sup>th</sup> JUNE, 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.384/16, registered with Khar 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, 406 r/w 34 of the Indian Penal Code.
3. The petitioner and the respondent No.2 got married on Nesarikar

16/11/2012. The petitioner Nos.2 and 3 are the in-laws of the respondent No.2. The matrimonial dispute between the parties gave rise to civil as well as criminal proceedings and the subject FIR came to be registered.

4. Pending investigation of the said FIR, with the intervention of the relatives of the parties, parties have settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing FIR by consent. Respondent No.2 as well as petitioners have filed separate affidavits dated 19/06/2017. Under the terms of the understanding between the parties, the petitioners have handed over all the belongings and ornaments to the respondent No.2 and she has acknowledged the same. The petitioners have also undertaken to hand over Rs.5,00,000/- to the respondent No.2 towards full and final settlement of her claim. The respondent No.2 in her affidavit in that view of the matter has given no objection. In clause 9, the respondent No.2 has specifically stated that the above petition be allowed.

5. 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.

6. The petitioners are also present before the Court. They undertook to comply with the agreed terms. The said undertaking is accepted.

7. 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.)**