

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1353 OF 2017

Krishnanand M. Kamath and others	Petitioners
versus	
The State of Maharashtra and another	Respondents

Mr.Malhari J. Bandgar for Petitioners.
Mr.K.V.Saste, APP, for State.
Mr.J.S.Kini i/by Mr.Suresh Dubey for Respondent no.2.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 20th April 2017

PC :

1. The Petitioners have filed this criminal writ petition seeking quashing of first information report ('FIR') (CR No.406 of 2014) which has been registered with Respondent no.1 Mulund Police Station. The Second Respondent has approached the Police Station alleging offences punishable under Sections 498A, 406, 34 of Indian Penal Code. A perusal of her statement would reveal that post her marriage with the first Petitioner, she has been residing with him and his family. After some time, the disputes and differences arose not only between the husband and wife but also because of their discord between family members also.

2. The FIR alleges as to how the complainant was harassed and by her husband and in-laws allegedly. The FIR itself alleges as to how attempts have been made to put an end to the differences and

with the intervention by advocate. In these circumstances that the parties are residing separately. Later on they have also approached the Family Court. There were certain proceedings and initiated under The Protection of Women from Domestic Violence Act, 2005.

3. Now a comprehensive settlement is arrived at. It is decided to put an end to the relationship. There is a petition filed for dissolution of the marriage by a decree of divorce by mutual consent. In that, the settlement has been elaborated. An affidavit is filed in this petition by second Respondent-wife. She is present in the Court. She has identified herself. She has stated that she has signed this affidavit and has no objection to it being tendered on record of this petition. She states that she is agreeable and willing, without any influence or coercion, for criminal prosecution being quashed.

4. Upon reading all this material, we are of the opinion that this is a private dispute and a fall out of the strain and disturbance in matrimonial relationship. Since two families have fallen apart and equally the husband and wife, that later on they decided to put an end to the relationship. That is why divorce proceedings were filed at Family Court, Mumbai. In the circumstances and when larger interests of the society are not adversely affected, we allow this petition. The FIR No.406 of 2014 as also the charge sheet, if any, filed in the competent Court are both quashed and set aside. No order as to costs.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST