

Shri. Devendra Yadav and Anr.	}	Applicant
versus		
State of Maharashtra and Anr.	}	Respondents

Mr. Sarang Aradhye for respondent no. 2.

DATED :- MAY 4, 2017

1. It is stated that the FIR registered (C. R. No. I-42 of 2014) by the Kasarvadavli Police Station, District Thane be quashed.

2. The offences alleged are punishable under sections 498A, 406, 323, 504, 506 and 34 of the Indian Penal Code, 1860. Now, we are informed that the investigations are over and the charge-sheet is also filed. The applicant is the husband of the complainant-second respondent, whereas, the second applicant is the father of applicant no. 1. Both have been arrayed as accused after the matrimonial relations deteriorated. The marriage was solemnised on 24th May, 2001 and it is stated that from the

wedlock, a child is born, namely, Harsh. On account of the disputes and differences, the wife and applicant no. 1 have separated since 1st August, 2011. They have now filed a petition to seek decree of divorce by mutual consent in the Family Court at Thane. They appeared before a marriage counsellor and tendered agreed terms. Now, the custody of the minor, born on 8th October, 2004, shall be retained by the mother-respondent no.2-original complainant, whereas, the visiting rights are provided to applicant no.1-father. There were various proceedings which came to be initiated, but essentially founded on these strained relations and which subsequently deteriorated to the extent that the husband and wife separated.

3. Now, an affidavit is filed by the original complainant. She is present in court. Mr. Aradhye appearing on her behalf states that the terms have been perused by her. The affidavit also has been perused by her. It reduces into writing truly and faithfully the understanding between the parties. There were mutual agreements and by which, the disputes have been settled amicably. Both of them are educated and have understood the consequences which would follow after these terms are accepted by the court.

4. Since the consent to quash the proceedings is given freely and without any pressure, force or coercion, nor are the terms tainted by fraud or can be termed as contravening public policy, we take them on record. The affidavit is also taken on record. Since the dispute between the parties is private in nature and the crime was registered on account of serious matrimonial differences and disputes, we are of the opinion that the larger interest of the society is not adversely affected. In these circumstances, we exercise our inherent jurisdiction and quash the criminal proceedings. The result is, not only the FIR, but even the charge-sheet and further proceedings are quashed. The application is allowed in these terms.

(PRAKASH.D.NAIK, J.)

(S.C.DHARMADHIKARI, J.)