

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 544 OF 2016**

Shri Manoj Ashok Nikam and ors.	Applicants
versus	
The State of Maharashtra and anr.	Respondents

Mr. M. M. Badgujar, advocate for the applicants.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. Ramesh S. Nikam, advocate for respondent No.2.

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

DATE : 9th JUNE, 2017.

P. C. :

Heard learned counsel for the applicants, learned counsel for respondent No.2 and learned APP for the State.

2. The criminal application is filed for quashing the FIR bearing C.R.No.685 of 2015 registered with Ulhasnagar Central Police Station, District – Thane. The said CR came to be registered against the applicants at the instance of respondent No. 2 for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.2 got married on 13th October, 2015. Rest of the applicants are the in-laws of respondent No.2. Matrimonial discord between the parties gave rise to filing of civil as well as criminal cases and the subject FIR is one of them. Applicant No.1 and respondent No.2 also filed a joint petition for divorce by mutual consent under Section 27 of the Special Marriage Act bearing Special Marriage Petition No.586 of 2016. With the intervention of their well-wishers, relatives and friends, applicant No.1 and respondent No.2 settled their dispute amicably and have agreed to withdraw all the cases against each other. In pursuance of this understanding, they have approached this Court for quashing the subject FIR by consent.

4. Respondent No.2 has filed an affidavit dated 8th June, 2017. In paragraph 4, she has given her "No Objection" for quashing the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that the contents of the petition as well as the affidavit has been explained to her in Marathi. She also stated that the dispute between herself and the applicant has been settled inasmuch as they have agreed to obtain divorce by mutual consent. She 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 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 criminal application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]