

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 550 OF 2017

Ankita Jaykumar Tandel d/o.Praful ThakkarApplicant
versus
Jaykumar Balwantraai Tandel and ors.Respondents

Ms. Mallika A. Ingale, advocate for the applicant.
Mr. Ashish S. Dubey, advocate for the respondent Nos. 1 and 2.
Mrs. Aruna S. Pai, APP for the State.

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

DATE : 22nd JUNE, 2017.

P. C. :

Heard the learned counsel for the applicant and respondent Nos. 1 to 4 and learned APP for the State.

2. The complainant herself has approached this Court for quashing the FIR bearing CR No.119 of 2016 registered with the Borivali Police Station against the respondent Nos. 1 to 4 for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860.

3. The applicant and respondent No.1 got married in the year 2013. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject FIR is one of them. The parties

settled their dispute amicably with the intervention of their relatives, friends and well-wishers and, accordingly, they agreed to file for divorce by mutual consent. The parties have also filed consent terms before the Family Court at Bandra in MJP No.A-1282 of 2016 filed by the applicant. Under this consent terms, the parties have agreed to withdraw all the allegations against other and in pursuance of an understanding arrived at between them, the applicant has filed the present application for quashing the subject FIR. The respondent No.1 has filed an affidavit dated 22nd June, 2017. In the said affidavit, the respondent No.1 has stated that the dispute between himself and the applicant has been settled amicably and he has agreed to dissolve the marriage by mutual consent. He has also given an undertaking to that effect. We accept the undertaking.

4. Both the applicant and respondent No.1 are present before the Court. On being questioned, the applicant specifically stated that she has gone through the application and has understood the contents thereof. She stated that she has no objection for quashing the subject FIR. The respondent No.1 also undertook to abide by the undertaking given by him in the affidavit.

5. 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 subject FIR would be in the interest of the applicant. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. The criminal application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]