IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2311 OF 2017

Anshuman Yadav & Ors.] … Petitioners

Versus

The State of Maharashtra & Anr.] … Respondents

Mr. Anand Pande h/f Mr. Vivek Pandey for Petitioners.
Mrs. A. S. Pai, APP for State.
Mrs. Monica Bhagat for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 12 JULY, 2017

P. C. :-

1. Heard the learned Advocate for petitioners, the learned Advocate for respondent no.2 and the learned APP.

2. The petition is filed for quashing and setting aside the FIR bearing C. R. No. 408 of 2015 registered with Oshiwara Police Station, Mumbai. The said FIR is registered against the petitioners at the instance of the respondent no.2 for the offences punishable under Sections 498A, 406, 504, 506, 509 and 323 r/w 34 of the IPC.

3. The petitioner no.1 and the respondent no.2 are the husband and wife. The petitioner nos.2 and 3 are the parents of the petitioner no.1. The marital discord between the parties gave rise to the civil as well as criminal proceedings. The subject criminal case is one of them.

4. Pending investigation of the subject FIR, the parties settled their dispute amicably and accordingly filed the Consent Terms before the Family Court at Bandra, Mumbai, in Petition No.A-2825 of 2016, copy of which is annexed at Exh.B, page 25 of the petition. In pursuance of the Consent Terms, the parties settled their dispute amicably and they have approached this Court for quashing of the subject FIR by consent.

5. The respondent no.2 has also filed an affidavit dated 11/07/2017. In the last paragraph of the said affidavit, she states that the present application may be granted with the prayers as prayed for by the petitioners to enable both the parties to put an amicable end to the pending proceedings.

6. The petitioner no.1 as well as the respondent no.2 both are personally present before the Court. Both undertake to comply with the said Consent Terms. The respondent no.2, on a specific query, states that she has gone through the contents of the petition and the affidavit and understood the same. She has also stated that she has no objection to quash and set aside the subject criminal case.

She has also stated that she is giving the no objection out of her free will and without any force or coercion.

8. 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***[1], we are of the view that quashing of the proceedings of the criminal case 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 and further proceedings are required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

(SARANG V. KOTWAL, J.) **(RANJIT MORE, J.)**

1 AIR 2003 SC 1386