

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL APPLICATION NO.2349 OF 2016**

Mr. Sonu Ajay Vishwakarma & Ors.] ... Petitioners

Versus

State of Maharashtra and Anr.] ... Respondents

Mr. M. A. Chaudhari for Petitioners.

Mr. N. B. Patil, APP for State.

Mrs. Sarita Sonu Vishwakarma, Respondent No.2, present in person.

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

DATE :- 18 JULY, 2017

P. C. :-

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

2. The petition is filed for quashing and setting aside the FIR bearing C.R.No. 296 of 2016 registered with Powai 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, 323, 504 and 506 r/w 34 of the IPC.

3. The petitioner no.1 and the respondent no.2 are the husband and wife. The rest of the petitioners are the relations 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, the parties settled their dispute amicably and accordingly filed Consent Terms before the Family Court at Bandra in Petition No.A-1616/2016. In terms of the said settlement, the parties have approached this Court for quashing of the subject criminal case by consent.

5. The respondent no.2 has also filed an affidavit dated 18/07/2017. In paragraph (e) of the said affidavit, she has prayed that the subject FIR be quashed and set aside.

6. The respondent no.2 is personally present before the Court. On a specific query, she 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 FIR. She has also stated that she is giving the no objection out of her free will and without any force or coercion.

7. 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 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 petition is, accordingly, made absolute in terms of prayer clause (b).

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ AIR 2003 SC 1386