

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 2751 OF 2014

Nikhil Kashinath Kulkarni & Ors.	...	Petitioners
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.Rajesh More i/b. Ms.Aparna R. More for the Petitioners.
Mr.K.V. Saste, A.P.P. for Respondent No.1-State.
Mr.Bharat More for Respondent No.2.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 8th NOVEMBER, 2017.

P.C. :

1] Heard learned counsel for the Petitioners, learned A.P.P.
for Respondent No.1-State and learned counsel for Respondent No.2.

2] This petition is filed for quashing and setting aside the
First Investigation Report (FIR) bearing C.R. No.98 of 2014 registered
with Lashkar Police Station at the instance of Respondent No.2 for
the offence punishable under Section 498(A) of Indian Penal Code
and 66(A) of the Information Technology Act. Petitioner No.1 and
Respondent No.2 are husband and wife. The Petitioner Nos.2 and 3
are the parents of Petitioner No.1. The matrimonial dispute between

the parties gave rise to filing of the subject FIR.

3] During the investigation of the said crime, the parties settled their dispute amicably and filed consent terms before the 4th Family Court at Pune in Petition bearing P.A. No.1430 of 2014. A copy of the consent terms is annexed with the affidavit. Under the consent terms, the parties have agreed to dissolve the marriage under Section 13(B) of the Hindu Marriage Act. The Petitioners have also agreed to pay an amount of Rs.25 Lakhs to Respondent No.2 towards full and final settlement of claim of maintenance. The parties have also agreed that they will not file or contest the Civil or Criminal proceedings against each other.

4] In terms of the understanding they have arrived at, Respondent No.2, accordingly, has filed an affidavit dated 8th November, 2017. In paragraph (5) of the affidavit, she has given no objection to quash the subject FIR.

5] Respondent No.2 is personally present in the Court. On specific query, she states that she has gone through the petition and affidavit and understood the contents thereof. She also states that in view of the settlement of the dispute between the parties and she has no objection to quash the subject FIR.

6] 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 subject FIR would be in the interest of Respondent No.2. Besides, no purpose would be served by keeping the FIR 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 of as such.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]