

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.797 OF 2017

Vikas Pravin Gupta & Ors.] ... Applicants

Versus

1. The State of Maharashtra,]
2. Heena Vikas Gupta alias Agrawal.] ... Respondents

Mr. S. V. Marwadi for Applicants.

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

Ms. Nishtha Mohanty i/b Mr. Kartik Garg for Respondent No.2.

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

DATE :- 03 AUGUST, 2017

P. C. :-

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

2. The Criminal Application is filed for quashing and setting aside the FIR bearing C. R. No. 381 of 2016 registered with Samta Nagar 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, 509 and 506 (II) r/w 34 of the IPC.

3. The applicant no.1 and the respondent no.2 are the husband and wife. Rest of the applicants 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 of the subject FIR, the parties, with the intervention of the elders and the well-wishers, settled their dispute amicably entered into the Consent Terms annexed at Exh.'B', page 18 to the present petition, and in terms of the understanding arrived at between them in the Consent Terms, they have approached this Court for quashing of the subject FIR by consent.

5. The respondent no.2 has also filed an affidavit dated 03/08/2017. In paragraph 2, she states that she has no objection for quashing the subject FIR.

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, 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 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 (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ AIR 2003 SC 1386