

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRITPETITION NO. 3080 OF 2017

1. Mr. Ajit B.Pawar
Age Major, Occ. Agriculture
2. Mrs. Mangal B.Pawar
Age Major, Occ. Household
3. Mr. Baburao Shankar Pawar
Age Major.Occ.Agriculture
4. Mr.Abhishek B. Pawar
Age Major.Occ.Agriculture
5. Mrs. Uma Abhishek Pawar
Age Major.Occ.Agriculture

No.1 to 5 resident of Narsoba
Nagar, Kolki, Tal. Palthan,
District Satara.

6. Shubhangi V. Bhandekar,
Age Major.Occ.Agriculture
7. Vishwanath Bhandekar
Age Major, Occ.Agriculture
6 and 7 resident of Pandharpur,
District Solapur.

...Petitioners.

vs.

1. The State of Maharashtra
2. The Police Inspector,
Satpur Police Station, Nashik.
3. Vaishnavi Amit Pawar,
Age 22years, Occ. Household
Residing at C/o. Shri. Ashok R.Shinde,
38, Matruchaya, in front of Morya Society,
Last Bus Stop,Ashok Nagar, Satpur,
Nashik.

...Respondents.

Mr. Mr.Rajendra Anbhule for the petitioner.
Mr. J.P.Yagnik, APP for the State.
Mr. P. D'souza for Respondent No.3.

CORAM: SHRI RANJIT MORE &
A.S.GADKARI, JJ.
DATE : 01st August, 2017

P.C.

Heard learned counsel for the petitioners, respondent No.3 and the learned APP.

2. The petition is filed under Article 226 of the Constitution of India read with 482 of the Code of Criminal Procedure 1973, for quashing and setting aside FIR No.I-31/2017 registered with Satpur Police Station, Nashik at the instance of respondent No.3, for the offences punishable under Sections 498A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 was married to respondent No.3. Rest of the petitioners are the family members of petitioner No.1. Marital dispute between the parties gave rise to filing of criminal as well as civil proceedings. The subject FIR is one of them. Pending investigation, the parties have settled their dispute amicably and entered into consent terms on 19.6.2017 and filed the same before the Family Court at Nagpur In Petition No. B-5/2017 and in terms of the said understanding present petition is filed for quashing the subject FIR by consent. Respondent No.3 has filed an affidavit of consent dated 28.7.2017 and in Paragraph 4 and 5 she has given no objection for quashing and setting aside the subject FIR. Respondent No.3 is personally present before the Court.

On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the subject FIR is quashed and set aside. She also stated that she is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

4. 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 A.I.R. 2003 SC 1386**, we are of the view that quashing of the FIR would be in the interest of respondent No.3. 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 Application is, accordingly, made absolute in terms of prayer clause (b) of the petition and is disposed of as such.

(A.S.GADKARI, J.)

(RANJIT MORE, J.)