

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2880 OF 2016**

Mr. Sujit Namdeo More and ors.	..Petitioners
Versus	
The State of Maharashtra and anr.	..Respondents

Ms. Trupti Ashok Bharadi, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Ms. Urvi Dave, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
PRAKASH D. NAIK, J J.**

DATE : 11th OCTOBER, 2017.

P. C. :

Heard Ms. Bharadi, learned counsel for the petitioners, Mr. Urvi Dave, learned counsel for the respondent No.2 and Mr. Saste, APP for the State.

2. The petition is filed for quashing and setting-aside the FIR bearing CR No. 53 of 2015 registered with Shrivardhan Police Station at the instance of the respondent No.2 of the offences punishable under Sections 323, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the family members of the petitioner No.1. Matrimonial dispute between the parties gave rise to filing of several civil and criminal proceedings and the subject FIR is one of them.

4. Pending investigation, the parties settled their dispute amicably with the help of elders and relatives and have filed consent terms in proceedings being Criminal M.A. No.09/DV/2016 filed under the provisions of the Protection of Women from Domestic Violence Act 2005 (for short | "the D.V.Act") in the Court of learned Judicial Magistrate, First Class at Shrivardhan. In view of the consent terms, the proceedings under the D.V.Act were kept before the Lok Nyayalaya and the consent terms were accepted and criminal M.A.No.09/DV/2016 came to be disposed off.

5. In terms of the settlement referred hereinabove, the parties have approached this court for quashing the subject FIR by consent. Accordingly, the respondent No.2 has filed a separate affidavit dated 11th October, 2017 along with a copy of the above referred consent terms and order of the Lok Nyayalaya. In paragraph 4 of the said affidavit, she has specifically stated that she has no objection if the prayers made in the petition filed by the petitioner are made absolute. The respondent

No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has understood the contents thereof. She has further confirmed that that she is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

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 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 (c) and is disposed off as such.

7. At this stage, the learned counsel for the petitioners, invited our attention to the "Annexure B" of the affidavit dated 11th October, 2017 viz. the panchanama dated 20th December, 2015, under which, the petitioner No.1's four ornaments were produced before the Shrivardhan Police

Station. Under the said panchanama, Shrivardhan Police Station took possession of the petitioner No.1's said ornaments. The learned counsel for the petitioner contended that the said ornaments should be returned to the petitioner No.1. The respondent No.2, who is present before the Court, has no objection if these ornaments are returned to the petitioner No.1 inasmuch as the same is agreed under the above referred consent terms. In the light of this, we direct the Shrivardhan Police Station to return the ornaments which were taken in possession by them under the panchanama dated 20th December, 2015 in the subject crime to the petitioner No.1.

(PRAKASH D. NAIK, J.)

[RANJIT MORE, J.]