

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.979 OF 2017

Mr. Nitin Narendra Murkar and ors.	...Applicants
Versus	
The State of Maharashtra and anr.	..Respondents

Ms. Yasmin Ali Shaikh, advocate for the applicants.
Mrs. Aruna S. Pai, APP for the State.
Mr. R. B. Shinde, advocate for the respondent No.2.

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

DATE : 11th OCTOBER, 2017.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The application is filed for quashing the FIR No.425 of 2016 registered with Dadar Police Station against the applicants, at the instance of the respondent No.2, for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the family members of the applicant No.1. Marital discord between the parties gave rise to filing of civil as well as criminal proceedings and the subject FIR is one of them.

4. Pending investigation, the parties settled their dispute amicably and have entered into Memorandum of Understanding, a copy of which is annexed at "Exhibit B", page 20. In terms of the said understanding, the parties have now approached this Court for quashing the subject FIR by consent. The respondent No.2 has filed an affidavit dated 29th September, 2017. In paragraphs 7 and 8, she has given her no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application as well as the affidavit and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

5. 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 off as such.

(PRAKASH D. NAIK, J.)

[RANJIT MORE, J.]