

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4126 OF 2017**

Binisha Ronak Chandwani ..Petitioner
Versus
The State of Maharashtra and ors. ..Respondents

Mr. V. V. Ugale i/b. Mr. Rajesh V. Katore, advocate for the petitioner.
Mr. A. R. Kapadnis, APP for the State.
Mr. Pawan Mali, advocate for the respondent No.2.

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

DATE : 28th NOVEMBER, 2017.

P. C. :

Heard learned counsel for the petitioner, learned counsel for the respondent No.2 and learned APP for the State.

2. The complainant herself has approached this Court for quashing the FIR bearing CR No. 502 of 2016 registered with Wanwari Police Station against the respondent Nos.2 to 5 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860.

3. The respondent No.2 and the petitioner are husband and wife and respondent Nos. 3 to 5 are the relatives of the respondent No.2.

Matrimonial dispute between the parties gave rise to filing civil as well as criminal cases and the subject matter of the present petition is one of them. Pending investigation, the parties have settled their dispute amicably, and have filed consent terms in a petition filed for divorce by mutual consent before Family Court at Pune. A copy of the consent terms is annexed at page 40. Under clause 7 of the consent terms, the petitioner has voluntarily agreed to apply for quashing the subject FIR. Thus, in pursuance of an understanding arrived at between them, the parties have now approached this Court for quashing and setting-aside the subject FIR by consent. The petitioner is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof. She further confirmed that she has given 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 AIR 2003 SC 1386**, we are of the view that quashing of the FIR would be in the interest of the petitioner. 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 (2) and is disposed off as such.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]