

Mr. A. A. Choubey i/b. Mr. Nelson Rajan P.V., advocate for the applicants.
Ms. Sangeeta D. Shinde, APP for the State.

DATE : 9th NOVEMBER, 2017.

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

3. The applicant Nos.1 and are husband and wife. Rest of the applicants are the family members of the applicant No.1. Matrimonial dispute between the parties gave rise to filing of the subject FIR. Pending

investigation, the parties, however, with the intervention of the elders and well-wishers settled their dispute amicably and have now filed consent terms in the Sessions Court at Nagpur in criminal revision No.134 of 2017. Under the said consent terms, the parties have agreed to obtain divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. The applicant No.1-husband has agreed to pay to the applicant No.5-wife an amount of Rs.30,00,000/- as one time full and final settlement towards permanent alimony which includes entire claim against articles of stridhan etc.. Under clause 1 of the consent terms, the applicant No.5 has agreed to co-operate with the other applicants to quash the subject CR. In terms of an understanding arrived at between the parties, they have now approached this Court for quashing the subject FIR by way of joint application. When the matter was called out on last occasion, the applicant No.5-wife was not present. We insisted that her presence is required and, therefore, she is present before the Court today along with her counsel. On being questioned, she specifically stated that she has gone through the application and the consent terms as well and has fully understood the contents thereof. She further stated that since the dispute between the parties is amicably settled, the subject FIR may be quashed and set-aside. She further confirmed she has given no objection for quashing the subject 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 subject FIR would be in the interest of the applicant No.5. 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 and set-aside. The application is, accordingly, made absolute in terms of prayer clause (i) and is disposed off as such.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]