

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4157 OF 2017**

Nimisha Mihir Desai ..Petitioner
Versus
The State of Maharashtra and anr. ..Respondents

Ms. Mahalakshmi Ganapathy along with Ms. Tulsi Bhatia i/b. ALMT Legal,
advocates for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Ishan S. Jani, advocate for the respondent No.2.

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

DATE : 1st NOVEMBER, 2017.

P. C. :

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

2. The petition is filed under Article 226 of the Constitution of India for quashing and setting-aside FIR bearing C.R. No. 235 of 2017 registered with Matunga Police Station, at the instance of the respondent No.2, for the offences punishable under Section 406 of the Indian Penal Code, 1860.

3. The petitioner is the daughter-in-law of the respondent No.2. Matrimonial dispute between the parties, gave rise to filing of the subject FIR. Pending investigation, the parties with the intervention of the elders and well-wishers settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the subject FIR by consent. The respondent

No.2 has filed an affidavit dated 27th October, 2017. In paragraph 3, 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 petition and the affidavit as well and has fully understood the contents thereof. She has further confirmed that that 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 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 (a) and is disposed of as such.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]