

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4480 OF 2017

Aniket Vilas More and ors.	..Petitioners
Versus	
The State of Maharashtra and anr.	..Respondents

Mrs. Trupti Chavan i/b. Mr. Pradeep Chavan and Associates, advocates for the petitioners.
Mr. A. R. Kapadnis, APP for the State.
Mr. Nikhil Jadhav i/b. Mr. Sandeep Waghmare, advocate for the respondent No.2.

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

DATE : 9th NOVEMBER, 2017.

P. C. :

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

2. The petition is filed for quashing the FIR bearing CR No. 264 of 2016 registered with Pant Nagar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 323 and 504 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 several civil and criminal cases and the subject FIR is one of them. Pending investigation, the parties, however, with the intervention of the relatives and well-wishers settled their dispute amicably and have accordingly filed consent terms in the proceedings filed under the Domestic Violence Act before the JMFC at Kalyan. A copy of the said consent terms is annexed at "Exhibit B", page 18. 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 petitioner No.1 has agreed to pay to the respondent No.2 an amount of Rs.5,00,000/- towards permanent alimony. The parties have also agreed to exchange ornaments belonging to each other. In view of the said consent terms, the parties have now approached this Court for quashing the subject FIR by consent. The respondent No.2 has filed an affidavit dated 9th November, 2017. In paragraph 2, she has stated that she has received a cheque for an amount of Rs.2,50,000/- from the petitioners. The petitioner No.1 who is present before the Court has assured us that the said cheque would be encashed. It is agreed between the parties that the balance amount of Rs.2,50,000/- would be paid by the petitioners to the respondent No.2 on the date of decree of divorce. So far as the ornaments are concerned, the parties have exchanged the ornaments belonging to each other before the Court and, they have confirmed that now they have no dispute in respect of the same. In paragraph 4 of the affidavit, the respondent No.2 stated that she does not wish to pursue the

matter against the petitioners and 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, consent terms and the affidavit as well 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.

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 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 and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (i) and is disposed off as such.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]