IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.546 OF 2018

Sushil Surendrapratap Mishra & ors .. Petitioners

Versus

The State of Maharashtra & Anr .. Respondents

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Mr. A.J. Dubey i/b Mr.A.K.Dubey I/b Mr.A.K.Dubey for the applicants.
Mrs.A.S.Pai, APP for the State.
Mr.R.R.Lanjekar for respondent no.2.

CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.

DATED : 4th OCTOBER, 2018

P.C:-

1 Heard learned counsel for the petitioner, learned counsel for the respondent no.2 and learned APP appearing for the State.

2 The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of the criminal case arising out of registration of FIR No.287 OF 2017 registered with Charkop Police Station, Kandivali (West) Mumbai at the instance of respondent No.2, for the offences punishable under

Sections 323, 406, 498A, 504, 506 read with Section 34 Indian Penal Code, 1860.

3 The petitioner no.1 and respondent no.2 are husband and wife. Rest of the petitioners are the relatives of petition no.1. Marital dispute between the parties gave rise to filing of several criminal as well as civil cases. The subject matter of the present petition is one of them.

4 Pending investigation, the parties, however, have 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. Respondent No.2 has filed an affidavit dated 9th August 2018. By the said affidavit, respondent no.2 has stated that marital dispute is settled amicably and therefore, she does not wish to prosecute the criminal case. The parties, especially the respondent no.2 are present before the Court.

5 The respondent no.2 is specifically asked that whether she has gone through the affidavit and has understood the contents thereof. She answers in the positive and states that she has no objection if the subject FIR is quashed and set-aside. She has further confirmed that that she is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

6 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 application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SMT. BHARATI H. DANGRE, J.) **(RANJIT MORE, J.)**

Manali Prasanna Tilak
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Date: 2018.10.09 12:11:12 +0530