

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.574 OF 2018

Anirudha Deepak Dalvi & Anr. ..Applicants
V/s.
Sheetal Aniruddha Dalvi & Anr. .. Respondents

Ms.Trupti M. Khawkar for the Applicants.

Mr.M. Moses for Respondent No.1.

Mr.K.V. Saste, APP for the Respondent-State.

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

DATE : 24th OCTOBER 2018

P.C.

1. Heard the learned counsel for the applicants, learned counsel for respondent No.1 and the learned APP for the respondent-State.

2. The application is filed for quashing and setting aside the criminal proceedings of Criminal Case bearing No.2686/PW/17 pending in the file of Metropolitan Magistrate, 26th Court, Borivali said case arises registration of CR No.473 of 2015 registered with Dahisar Police Station, Mumbai for offences punishable under

Sections 498(A), 460 read with 34 of the Indian Penal Code.

3. The petitioner No.1 and respondent No.1 are husband and wife. The petitioner No.2 is mother in law of the respondent No.1. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present application is one of them.

4. Parties have settled their dispute amicably and filed consent terms in MJ Petition No.A-67 of 2014 pending in Family Court, Bandra, Mumbai. Copy of the consent terms is annexed at page 13 of the petition.

5. In terms of the settlement arrived between the parties, the petitioners have deposited an amount of Rs.6,50,000/- in the Family Court, Bandra, Mumbai on 19-04-2018 by consent. Under the settlement they have agreed to take divorce by consent.

Parties accordingly have approached this Court for quashing the subject criminal proceedings. The respondent No.1 has filed an affidavit dated 16.08.2018. In paragraph No.5 she has given no objection for quashing of the subject FIR. The applicant is

personally present in the Court. On specific query, she submitted that in view of the settlement of the parties the subject FIR is quashed and set aside.

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.

7. The application is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)