

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

CRIMINAL WRIT PETITION NO.2464 OF 2018

Namarta Vijay Ahire & Ors. ..Petitioners
V/s.
The State of Maharashtra & Anr. ..Respondents

Mr.B.V. Salunkhe for the Petitioners.

Mrs.P.P. Shinde, APP for the Respondent-State.

Mr.N.D. Yadav for the Respondent No.2.

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

DATE : 31st OCTOBER 2018

P.C.

1. Heard the learned counsel for the petitioners, learned APP for the State and learned counsel for respondent No.2.

2. The petition is filed for quashing and setting aside the FIR bearing CR No.60 of 2018 registered with Hadapsar Police Station, at the instance of the respondent No.2 for an offence punishable under Sections 406, 420, 120B, 495, 506 read with 34 of the Indian Penal Code.

3. The petitioner No.1 and respondent No.2 are husband and wife. Matrimonial discord 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, parties have settled their dispute amicably and accordingly filed Consent Terms in Special Civil Suit No.200 of 2018 pending before the Civil Judge Senior Judge at Pune. In terms of these consent terms the said suit is decreed on 14th July 2018. In terms of the understanding arrived between the parties, they have approached, they have no objection to quash the subject FIR. Respondent No.2 is accordingly has filed an affidavit dated 11th April 2018. In paragraph No.3 and 4, he has given no objection. The Respondent No.2-complainant is present before the Court. On specific query, he submitted that in view of the settlement of the parties the subject FIR is quashed and set aside.

5. 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.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)