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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 2879 OF 2018**

Pushkar Gajanan Tilwankar and othersPetitioners

V/s.

The State of Maharashtra and othersRespondents

Mr. D. J. Dalal for the petitioners

Mr. Deepak Thakare PP a/w Mr. K. V. Saste APP for the State

Mr. Santosh Patil for respondent no. 3

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

DATE : 26th SEPTEMBER, 2018

P.C.

Heard the learned counsel for the petitioner, respondent no. 3
and the learned APP.

2 The petition is filed for quashing F.I.R. bearing C.R. No. 71 of
2018 registered with Chandwad Police Station at the instance of
respondent no. 3 for offences punishable under sections 498 (A),

323, 504, 506 r/w 34 of the Indian Penal Code.

3 Petitioner no. 1 and respondent no. 3 are husband and wife. Rest of the petitioners are relatives of petitioner no. 1 and in-laws of respondent no. 3. The matrimonial discord between the parties gave rise to filing of civil as well as criminal proceedings. The subject F.I.R. is one of them. Pending investigation, parties settled their dispute amicably and filed compromise pursis before Civil Judge Senior Division, Niphad in PA no. 152 of 2018. Under this, parties have agreed for mutual divorce under section 13 (B) of the Hindu Marriage Act. Petitioner no. 1 also agreed to pay respondent no. 3 an amount of Rs. 4,40,000/- by way of full and final settlement of claim of respondent no. 3. Out of this amount, petitioner no. 1 has already paid an amount of Rs. 1,01,000/- and balance amount of Rs. 3,39,000/- is to be paid after filing of the affidavit in divorce petition.

4 In pursuance of an understanding arrived at between them, parties have approached this Court for quashing and setting aside

the subject crime by consent. Respondent no. 3 has accordingly filed an affidavit dated 25/09/2018. In para 5, she has given no objection to quash the subject F.I.R. against the petitioner. Alongwith this affidavit, copy of the compromise pursis is annexed at Exhibit 'A'. The respondent No.3 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and compromise pursis as well and has fully understood the contents thereof. She further confirmed that she is giving no objection for quashing the proceedings of the subject FIR out of free will and without there being any pressure or coercion.

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.3. 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.

[BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]