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

WRIT PETITION NO. 2903 OF 2018

Sachin Appasaheb Jadhav & ors. ... Petitioners

Versus

The State of Maharashtra & anr. ... Respondents

Mr. A. R. Kondai, i/b V. V. Ugle, for the Petitioners.

Mrs. Sangita Shinde, APP for the State.

Mr. B. S. Shinde, for Respondent no.2.

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

DATE : 9th OCTOBER, 2018.

P.C.:-

1. Heard Mr. Kondai, the learned Counsel for the Petitioners, Mrs. Shinde, the learned APP and Mr. B. S. Shinde, the learned Counsel for Respondent no.2.

2. The 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 FIR bearing CR No.231 of 2017 registered with Vita Police Station, at the instance of respondent No.2, for the offences punishable under Sections 323, 498A, 504, and 506 r/w

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 petitioner No.1. Marital dispute between the parties gave rise to filing of several criminal as well as civil matter. The subject matter of the present petition is one of them. Pending investigation, the parties 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 by consent.

Respondent No.2 has filed Memo of Understanding dated 27th March, 2018. In terms of this Memo Of Understanding parties have agreed to dissolve their marriage as the divorce by mutual consent granted by order dated 1st October, 2018 in HMP No.43 of 2018, by the Civil Judge, Senior Division, Malshiras. In terms of Memo of Understanding, they have approached this Court for quashing the subject crime by consent.

The Respondent no.2, accordingly, has filed Affidavit on 9th October, 2018. She has given her no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned,

she has specifically stated that she has gone through the Affidavit and has understood the contents thereof and she has no objection if the subject FIR is quashed and set-aside.

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 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.]

Santosh
Subhash
Kulkarni

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