

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3059 OF 2018

Vikas Manikrao Patil

.. Petitioner

Versus

The State of Maharashtra & Anr

.. Respondents

...

Mr.S.G. Shirsat for the petitioner.

Mr.F.R. Shaikh APP for the State.

Mrs.Leena Patil respondent no.2 in person present.

**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 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 No.181 of 2018 registered with Mulund Police Station, at the instance of respondent

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No.2, for the offences punishable under Sections 354, 354D, 323, 504, 506 of the Indian Penal Code, 1860.

3 The petitioner and husband of respondent no.2 are real brothers, and the respondent no.2 and petitioner's wife are real sisters. Pending investigation, the parties with the help of elders 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 an affidavit dated 10th July 2018. In paragraph no.3, she has given no objection. She is personally present before the Court today. Respondent no.2 has produced her Aadhar card, copy of which is already annexed at page 40. We have verified the identity of respondent no.2.

4 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.

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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) subject to payment of costs of Rs.5,000/- by the petitioner to the account of Tata Memorial Hospital within a period of two weeks from today. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the aforesaid order allowing the Writ Petition would automatically stand recalled.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)

Manali
Prasanna
Tilak

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