

Tilak

3 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.70 of 2018 registered with Dindoshi Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 507 read with Section 34 of the Indian Penal Code, 1860.

4 The applicant No.1 was married to respondent No.2 in March 2007. Rest of the applicants are the relatives of applicant no.1. Marital dispute between the parties gave rise to filing of criminal as well as civil matter. The subject matter of the present petition is one of them. The applicant no.1 had filed MJ Petition A-285/18 before the Family Court at Bandra against the respondent no.1 for divorce. 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, and accordingly filed consent terms, copy of which is annexed at Exhibit-E. In terms of the agreement arrived at between the

parties, marriage between applicant no.1 and respondent no.2 is already dissolved. In paragraph no.7 of the consent terms, the respondent no.2 agreed for quashing and setting-aside the subject FIR. In pursuance of the misunderstanding, the parties have approached this Court for quashing the subject FIR by consent.

5 The respondent no.2 has filed an affidavit dated 23rd August 2018 in these proceedings. In paragraph no.9, she has given consent to allow this petition in terms of prayer clause (a). Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has understood the contents thereof and she has no objection if the subject FIR is quashed and set-aside. She also stated that she is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

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. 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.)

Manali
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