

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

CRIMINAL WRIT PETITION NO.3690 OF 2018

Vinayak Skharam Thavil & Ors.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Mr.Amey Deshpande for the Petitioners.

Mrs.P.P. Shinde, APP for Respondents-State.

Mr.Gaurang C. Jhaveri for Respondent No.2.

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

DATE : 27th AUGUST 2018

P.C.

1. Heard learned counsel for the petitioner and Respondent No.2 and learned AGP for Respondent-State.

2. The petitioner has approached this Court invoking the jurisdiction under Article 226 of the Constitution of India under Section 482 of Code of Criminal Procedure to quash and set aside the FIR in CR No.I-59 of 2018 registered at the instance of Respondent No.2 with Mhasrul Police Station, District-Nashik for offences punishable under Section 498(A), 323, 504, 506 read with

Section 34 of the Indian Penal Code.

3. The Petitioner No.1 and Respondent No.2 are husband and wife. Rest of the petitioners are relatives of the Petitioner No.1 and in laws of Respondent No.2. Matrimonial dispute between the parties gave rise to filing of the subject FIR. Pending investigation, parties have settled the matrimonial dispute between them and now the Petitioner No.1 and Respondent No.2 are co-habiting together. Since, now there are no complaints against each other, the parties have approached this Court for quashing the subject FIR by consent. The Respondent No.2 has accordingly, filed an affidavit before this Court on 24.08.2018. In paragraph No.3, it is stated that the respondent No.2 is co-habiting with her husband-Petitioner No.1 without any misunderstanding. In paragraph No.4 and 5 the Respondent No.2 has stated that she has no objection to quash the subject FIR.

4. The Respondent No.2 is personally present in the Court. On specific query, she has stated that she has been explained in vernacular the contents of the application and affidavit and she has understood the same. She also stated that she has no objection to quash the subject FIR against the Petitioner. She further stated that

the consent of quashing is given by her out of her own volition and without their being any coercion and pressure.

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 parties, as it appears to us that the filing of the first information report was on account of outburst of matrimonial discord, which need not assume serious proportions and since the parties have now decided to settle in their life and live peacefully, we are inclined to allow the Writ Petition. Writ Petition is allowed. The FIR in CR No.I-59 of 2018 registered with Mhasurl Police Station for offences punishable under Sections 498(A), 323, 504, 506 read with Section 34 of the Indian Penal Code is quashed and set-aside. No order as to costs.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)

Nilam
Santosh
Kamble

Digitally signed
by Nilam
Santosh Kamble
Date: 2018.08.30
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