

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

CRIMINAL APPLICATION NO.993 OF 2018

Sushil Ugrasen Gupta

...Applicant

Versus

The State Of Maharashtra And Anr.

...Respondents

Mr.Lokesh D. Zade for the Applicant.

Mr.S.D. Shinde, APP for the Respondent No.1-State.

Mr.Sandeep Kumar Singh i/b Gunjan Choubey for Respondent Nos.2 to 6.

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

DATE : 17th OCTOBER 2018

P.C.

1. Heard the learned counsel for the applicant, learned APP for the State and learned counsel for respondent Nos.2 to 6.

2. The first informant himself has approached this Court invoking jurisdiction of this Court under Section 482 of the Criminal Procedure Code to quash and setting aside the FIR bearing No.208 of 2017 registered against respondent Nos.2 to 6 for offences punishable under Sections 419, 501, 509 of the Indian Penal Code and Section 66(C)(5) of Information Technology Act.

3. The applicant is the father-in-law of respondent No.2. Respondent Nos.2 to 6 are the relatives of the applicant. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present application is one of them.

4. Parties have settled their dispute amicably and filed matrimonial proceedings (Divorce Case No.310 of 2017) by mutual consent under Section 13B of the Hindu Marriage Act in the file of Additional Principal Judge, Family Court at Patna.

5. In terms of the understanding arrived between the parties, they have no objection to quash the subject FIR. Whatever stated in the petition is affirmed by the applicant. The applicant is personally present in the Court. On specific query, he submitted that in view of the settlement of the parties the subject FIR is quashed and set aside.

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 application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)