

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3969 OF 2018**

Karnik Kalpesh Shah and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Ms. Devika Deshmukh i/b. Dhrutiman S. Joshi, advocate for the
petitioners.
Mr. R. R. Shaikh, APP for the State.
Mr. A. D. Joshi, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
A. M. BADAR, JJ.**

DATE : 14th SEPTEMBER, 2018.

P. C. :

Heard learned counsel and learned AGP appearing for the
respective parties.

3. The petition is filed for quashing the FIR bearing CR No.277 of
2017 registered with Tardeo Police Station, at the instance of the
respondent No.2 for the offences punishable under sections 498-A, 406,
323, 504, 506 read with section 34 of the Indian Penal Code, 1860 and
sections 4 and 6 of the Dowry Prohibition Act.

4, The petitioner No.1 and respondent No.2 are husband and
wife. The petitioner Nos.2 and 3 are the parents of the petitioner No.1.

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Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject FIR is one of them.

3. Pending investigation, the parties, however, decided to settle the dispute amicably and have filed consent terms in M.J.Petition No.A-3003 of 2017 pending before the Family Court At Bandra, Mumbai. Under this consent terms, the petitioner No.1 and respondent No.2 have agreed to dissolve their marriage by mutual consent and to convert the said petition into petition for divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. Under the said consent terms, the parties have also agreed to quash the subject FIR by consent. A copy of the said consent terms is annexed at "Exhibit-B", page 20. In pursuance of the understanding arrived at between the parties, they have approached this Court for quashing the subject FIR by consent. The respondent No.2 has, accordingly, filed an affidavit dated 12th September, 2018. In paragraph 2, she has made an averment that the dispute between her and the petitioners is amicably settled and therefore, she does not wish to pursue the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof. She has further confirmed that that she has given no objection for quashing the subject

FIR out of her own free will and without there being any pressure or coercion.

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 subject FIR would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the FIR 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 and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[A. M. BADAR J.]

[RANJIT MORE, J.]