

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

CRIMINAL APPLICATION NO.484 OF 2018

Kushal Manohar Aurangabadkar & Ors. ..Applicants
V/s.
The State of Maharashtra & Anr. .. Respondents

Ms.Lata Patne i/b Mr.Vinod Joshi for the Applicants.

Mr.F.R. Shaikh, APP for the Respondent-State.

Mrs.S.R. Pophali for Respondent No.2.

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

DATE : 24th JUNE 2019

P.C.

1. Not on board. Taken on board.
2. Heard the learned counsel for the applicants, learned APP for the State and learned counsel for respondent No.2.
3. The application is filed for quashing and setting aside the FIR bearing C.R. No.38 of 2018 registered with Vijapur Naka Police Station, Solapur at the instance of respondent No.2 for offences punishable under Sections 498A, 354, 323 504 and 506 read with 34 of the Indian Penal Code.

4. The applicant No.1 and respondent No.2 are got married on 09th June 2015. The rest of the applicants are relatives of the applicant No.1.

5. It is alleged in the application that after marriage the differences arose between the applicant No.1 and respondent No.2-wife and she started residing separately. Thereafter the applicant No.1-husband approached the Superior Court at Washington, Country of Kind Seattle, Washington State, United States for dissolution of marriage and on 19.08.2016 decree for dissolution of marriage was passed.

6. It is further alleged that the respondent No.2 after returning to her parental house in the month of May 2016 lodged FIR bearing Cr.No.643 dated 11.05.2016 in Gittikhadan Police Station, Nagpur for an offence punishable under Sections 498A, 354-D, 323, 504 and 506 read with 34 of the Indian Penal Code. Subsequent to the FIR is transferred to the Vijapur Naka Police Station as C.R. No.38 of 2018.

7. Pending investigation parties have settled their dispute amicably. Understanding arrived between the parties for quashing the

subject FIR by consent.

8. Respondent No.2 accordingly has filed affidavit dated 24th June 2019. In paragraph No.3 she has stated that the subject FIR was registered at her instance due to temperamental differences and implied imputations. She has also stated that her dispute with applicants is now been settled. In paragraph No.4 she has stated that she do not want to proceed further with the subject FIR and therefore she has given no objection to quash and set aside the subject FIR.

9. The respondent No.2 is personally present in the Court. On behalf of the applicant Nos.1 and 2 through power of attorney-parents-applicant Nos.3 and 4 present before the Court. They also state that dispute between the parties is settled and they will abide by the terms of settlement.

10. 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.)