

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

CRIMINAL WRIT PETITION NO.32 OF 2019

Mr.Vishal Anandrao Mohite ..Petitioner
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.Niranjan Mogre i/b Mr.S.S. Borkar for the Petitioner.

Mr.Deepak Thakare a/w Mr.A.D. Kamkhedkar, APP for the
Respondent-State.

Mr.R.S. Gamare i/b Mr.M.K. Gaikwad for Respondent No.2.

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

DATE : 26th JUNE 2019

P.C.

1. Heard the learned counsel for the petitioner, learned
APP for the State and learned counsel for respondent No.2.

2. The petition is filed for quashing and setting aside the
FIR bearing C.R. No.151 of 2018 registered with Bhoiwada Police
Station, Mumbai at the instance of respondent No.2 for offence
punishable under Sections 498A, 406 read with 34 of the Indian
Penal Code.

3. The petitioner No.1 and respondent No.2 are husband and wife and rest of the applicants are relatives of the applicant No.1 and in-laws of respondent No.2.

4. Matrimonial dispute between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present petition is one of them.

5. Pending investigation of the subject Crime and with the help of the elders and well wishers, parties have settled their dispute amicably and filed consent terms in this proceedings and mediation agreement came to be filed before the Family Court at Bandra in Petition No. A-525 of 2018. In terms of the understanding arrived between the parties, they have now approached this Court for quashing of the subject FIR by consent.

6. Respondent No.2 accordingly has filed affidavit dated 21.06.2019 wherein she has given no objections to quash the subject FIR against the petitioners. The respondent No.2 is personally present in the Court. On specific query she has stated that she has no objection to quash the subject FIR.

7. 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 bearing C.R. No.151 of 2018 registered with Bhoiwada Police Station, Mumbai is quashed. The writ petition is, accordingly, made absolute in terms of prayer clause (a).

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)