

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.367 of 2019

Pramod Mahadev Tawate and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Purushottam G. Chavan, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Mr. Rajesh S. Jadhav, advocate for the respondent No.2.

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

DATE : 16th APRIL, 2019.

P. C. :

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

2. The petition is filed for quashing and setting-aside FIR bearing CR No.275 of 2018 registered with Kherwadi Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 342, 324, 504 and 506(2) read with Section 34 of the Indian Penal Code, 1860.

3. Petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the relatives of 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, the parties, however,

settled their dispute amicably with the intervention of their elders and well-wishers, and in pursuance of an understanding arrived at between them, they have now approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No.2 has also filed an affidavit dated 16th April, 2019. In paragraph 3 thereof, following averments are made which reads as under:

"3. I say that after passing of order dated 26-02-2019 I myself and my husband i.e. Petitioner No 1 gathered family meeting of Senior and elderly members of both the families. I say that after long lasting intervention by the close relatives and senior members of both the families, we have resolved our family dispute amicably and peacefully. I say that Petitioner No.1 assured that he will not repeat any unwanted incident. After realizing the fate of the complaint and good conduct of Petitioner No.1, I am sure that we will reside peacefully and happily in future and will give good healthy, mentally and psychologically sound atmosphere to up-bring the future of our minor children."

In paragraph 5 of the said affidavit, she has given her consent for quashing and setting-aside the subject FIR. 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 further submitted that the dispute between herself and petitioners is settled and she is now happily residing with petitioner No.1. She has further confirmed that she has given consent for quashing the subject FIR on her own free will and without there being any pressure or coercion.

4. 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 alive 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 writ petition is, accordingly, made absolute in terms of prayer clause (A) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]