

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

CRIMINAL WRIT PETITION NO. 387 OF 2017

Sandip Pitambar Mistery
and Ors.

...Petitioners

Vs.

The State of Maharashtra
And Ors.

...Respondents

Mr. Mahesh Haridas Chandanshiv for the Petitioners.

Mr. K.V. Saste, APP for Respondent – State.

Mr. N.R. Bubna for Respondent No. 2.

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

DATE : 25th JUNE 2019

P.C.:

1. Heard learned counsel for the petitioner, Respondent No. 2 and learned APP for the Respondent - State. Petition is filed for quashing and setting aside the FIR bearing CR no. 153 of 2016 registered with Malegaon Chhavani Police Station, Nashik Gramin at the instance of Respondent No. 2 for an offence punishable under Sections 498-A, 406, 504 r/w 34 of the Indian Penal Code.

2. Petitioner no. 1 and Respondent No. 2 are husband and wife. Rest of the petitioners are relatives of petitioner No. 1 and in laws of Respondent No. 2. Matrimonial dispute gave rise to filing of

civil as well as criminal proceedings and the subject FIR is one of them.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation and with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual consent. The parties have also filed separate consent terms dated 25.06.2019. The consent terms are signed by the Petitioner No. 1 and Respondent No. 2 along with their respective counsels. The consent terms are taken on record. In terms of the clause (8) of the consent terms, the petitioner no. 1 has handed over to the Respondent No. 2, Demand Draft bearing No. 498733 drawn on State Bank of India for an amount of Rs. 50,000/- dated 20.06.2019. Parties have also agreed that the balance amount of Rs. 80,000/- shall be paid by Petitioner No. 1 to Respondent No. 2 at the time of Mutual Consent Divorce in the Trial Court. Pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR by consent of Respondent No. 2.

4. Respondent No. 2 has also filed an separate affidavit dated 25.06.2019 wherein she has given no objection to quash and set

aside the subject FIR.

5. Petitioner No. 1 and Respondent No. 2 are personally present before the Court. On specific query made by us, Respondent No. 2 states that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject FIR initiated by her against the Petitioners.

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.

7. Hence, We quash and set aside the FIR bearing CR no.

153 of 2016 registered with Malegaon Chhavani Police Station, Nashik
Gramin

8. Petition stands allowed in terms of prayer **clause '(a)'**.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J)