

Mr. Adarsh Narendra Kirti & Ors.	..	Petitioners
Vs		
The State of Maharashtra & Anr.	..	Respondents

...

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

P.C:-

- AJN*

petitioner No.1 and in-laws of respondent No.2. Matrimonial disputes between the parties gave rise to the filing of civil as well as criminal proceedings by the parties against one another and the subject petition is one of them.

4. The parties, however, with the intervention of the elders and well-wishers, have settled the disputes amicably and filed a consent terms before the Court of Sessions at Dindoshi in Anticipatory Bail Application No.1223 of 2017, a copy of which is annexed at Ex-B at page 15 of this petition.

5. In terms of the above understanding mentioned in the consent terms, petitioners have now approached this Court for quashing the subject FIR. The Respondent No.2 has also filed an Affidavit dated 26th June 2019. In para 3 of the said Affidavit, she has given her consent and requested this Court to quash the FIR. Respondent No.2 is present in the Court. On inquiry, she states that she has understood the contents of the consent terms and she also states that she is not interested in prosecuting the subject FIR in view of the settlement between the parties.

6. We have also perused the FIR and found that there are no specific allegations against the applicant and the allegations are general in nature. In our opinion, the provisions of Sections 498A, 406, 323, 504, 506 read with Section 34 of the IPC are

not attracted.

7. In light of above, we are of the opinion that no fruitful purpose would be served by continuing criminal proceedings against the accused.

8. 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 criminal proceedings 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 proceedings of the subject criminal case are required to be quashed and set aside.

9. Hence, we quash and set aside the FIR bearing No.113 of 2017 registered with Vanrai Police Station, Goregaon, Mumbai. The petition is, accordingly, made absolute in terms of prayer clause (A) of the petition.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)