

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

CRIMINAL WRIT PETITION NO.1080 OF 2019

Nitin Jalinder Karande & Ors. ..Petitioners
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.Kamlesh Jain for the Petitioners.

Ms.S.D. Shinde, APP for the Respondent-State.

Mr.Manas Mohanty for Respondent No.2.

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

DATE : 11th APRIL 2019

P.C.

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

2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.3 of 2019 registered with Trombay Police Station at the instance of respondent No.2, for offence punishable under Sections 498A, 323, 406, 504, 506 read with Section 34 of the Indian Penal Code.

3. The petitioner No.1 and Respondent No.2 are husband and wife and rest of the petitioners are in laws of respondent No.2. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present FIR is one of them.

4. Pending investigation, parties have settled their dispute with the help of elders and settled their dispute amicably and accordingly they have approached this Court for quashing the subject FIR by consent. The respondent No.2 has filed an affidavit dated 24th February 2019 in paragraph Nos.2,3,4,5 and 6 she has made following averments:-

“2. I say that thereafter my husband and other in laws have filed an ABA bearing No 63 of 2019 and while said ABA was pending, we amicably settled amongst ourselves and decided to put an end to disputes and the FIR.

3. I further say that my husband has independent business in Berlin, Germany and is also taking me along to Berlin to stay with him.

4. I say that I have already withdrawn petition filed under provisions of Domestic Violence Act from the 60th MM Court, Kurla on 12th February

20119.

5. *I say that I am no more desirous of continuing with the present FIR and hence I am preparing the present affidavit to prove that I am not desirous of proceeding with the anymore.*

6. *I say that I am under NO PRESSURE to prepare the present affidavit and I am doing it to lead a happy and healthy married life with my husband and in laws.”*

The respondent No.2 is personally present in the Court. On specific query, she submitted that in view of the settlement of the parties the subject FIR be quashed and set aside.

5. The petitioner No.1 is also personally present before us he states that dispute between himself and respondent No.2 is settled amicably, inasmuch as he is taking the respondent No.2 to Berlin, Germany where he is doing independent business. The statement is accepted.

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. The 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.)