

Gyasi Rajbahadur Singh and ors .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents

Harinarayan Rajbahadur Singh .. Petitioner
Versus
The State of Maharashtra & Anr .. Respondents

Mr. Kartik S. Garg for the applicant/respondent.
Mr.S.R.Shinde, APP for the State.
Mr.V.V.Pethe for respondent no.2.

DATED : 28th MARCH 2019

1 Heard learned counsel for the applicant/petitioner,
learned counsel for the respondent no.2 and learned APP
appearing for the State.

2 The applicant and petitioner in the above proceedings are accused in FIR bearing C.R.No. I-733 of 2015 registered with Kashimira Police Station, at the instance of respondent No.2 complainant for the offences punishable under Sections 498A, 406, 324, 323, 504, 354, 377 r/w Section 34 of the Indian Penal Code, 1860. The FIR has culminated into filing of RCC No.1181 of 2016 pending before Ld. JMFC, 7th Court, Thane.

3 So far as Criminal Application No.505 of 2016 is concerned, stay was granted by this Court for filing of charge-sheet. Such interim protection was not granted to the husband in Writ Petition No.1185 of 2019. Consequently, a charge-sheet was filed, upon completion of investigation and the case is numbered as RCC No.1181 of 2016 and is pending on the file of the learned JMFC, 7th Court at Thane.

4 Applicants in Cr.Application No.505/16 are in-laws of the respondent no.2 and petitioner in WP 1185/19 is the

husband of respondent no.2. Marital dispute between the parties gave rise to filing of several criminal as well as civil cases.

5 With the intervention of elders, the parties, however, have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the subject FIR by consent in Petition No.A-223/2018 pending on the file of Family Court at Thane. Copy of the Consent Terms is annexed at Exhibit-C at page 140 in Criminal Writ Petition No.1185/19. In pursuance of the understanding arrived at between them, the parties have approached this Court for quashing the subject FIR/Criminal Case by consent. Respondent No.2 has filed separate affidavit in the above proceedings dated 26th March 2019. In paragraph no.9 of the said affidavit, the respondent no.2 has made a statement that it would be just, proper and equitable and in the interest of justice, that the subject FIR/criminal case may be quashed and set aside. Respondent no.2 is personally present before the Court. Petitioner makes a

statement that the consent terms are complied with and this fact is not disputed by the respondent no.2.

6 The respondent no.2 is specifically asked whether she has gone through the affidavit and has understood the contents thereof. She answers in the positive and states that she has no objection if the subject FIR and the RCC No.1181 of 2016 is quashed. She has further confirmed that that she is giving no objection for quashing the said FIR/criminal proceedings out of free will and without there being any pressure or coercion.

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 and Criminal case 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 and Criminal case RCC No.1181/16 pending before the learned JMFC, 7th Court, Thane, are required to be quashed. Criminal Application and Writ Petition are, accordingly, made absolute in terms of prayer clause (b) and are disposed of as such.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)