

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1515 of 2019**

Ganesh Vankar Sable and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. N. K. Singh, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. P. C. Naik, advocate for respondent No.2.

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

DATE : 30th APRIL, 2019.

P. C. :

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

2. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R. No.389 of 2017 registered with Oshiwara Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 323, 504 and 506 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 family members of petitioner No.1. Marital

dispute between the parties gave rise to filing of subject FIR. Pending investigation, the parties have settled their dispute amicably with the intervention of their elders and well-wishers, and in pursuance of an understanding arrived at between them, they are now staying together and have, therefore, approached this Court for quashing and setting-aside the subject FIR by consent. The respondent No.2 has filed an affidavit dated 1st March, 2019, wherein she has given her no objection for quashing and setting-aside the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that that she has given no objection for quashing the subject FIR out of 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 FIR would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the subject FIR pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interest of justice, the subject FIR is

required to be quashed and set-aside. 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.]