

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1616 of 2019

Meera Bishnu Varun @ M.B. Varun
@ Varun Bishnunandan Gupta & ors .. Petitioners
Versus
The State of Maharashtra & Anr .. Respondents

...

Mr. Shardul singh i/b Sushma Singh for the petitioners.
Mr. S.R.Shinde, APP for the State.
Mr.Roshan S. Tanna for respondent no.2.

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

DATED : 28th MARCH 2019

P.C:-

1 Heard learned counsel for the petitioners, learned counsel for the respondent no.2 and learned APP appearing for the State.

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 and setting-aside FIR

No.182 of 2018 registered with Meghwadi - Jogeshwari Police Station, at the instance of respondent No.2, for the offences punishable under Sections 406, 498A, 377 read with Section 34 Indian Penal Code, 1860.

3 The petitioner no.1 and respondent No.2 are husband and wife. Rest of the petitioners are relatives of petitioner no.1. Marital dispute between the parties gave rise to filing of several criminal as well as civil cases. The subject matter of the present petition is one of them.

4 Pending investigation, the parties, however, with intervention of the elders, have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have filed consent terms before the Family Court at Bandra, Mumbai. Copy of the Consent Terms is annexed at Exhibit-B page 15. Pursuant to the understanding arrived between the parties, they have approached this Court for quashing the subject FIR. We have perused the consent terms and clause (1) of the Consent Terms states that parties are ready to take

Divorce by Mutual consent under Section 28 of the Special Marriage Act. Respondent No.2 has also agreed for quashing of the subject FIR. Respondent no.2 has also filed separate affidavit dated 26th March 2019. In paragraph no.9 she has given no objection.

5 The respondent no.2 is specifically asked that 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 is quashed and set-aside. She has further confirmed that that she is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

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 application is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)