

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

**WRIT PETITION NO. 1871 OF 2018**

Hemant Rajendra Mota  
and Ors.

...Petitioners

Vs.

The State of Maharashtra and Ors.

....Respondents

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Mr. Rajas Naik a/w Yogesh Morbale I/by V.P. Sangvikar for the Petitioner.

Ms. Sangita Shinde, APP for Respondent – State.

Ms. Nisha Dubey a/w Ramesh D. Chheda for Respondent No. 5.

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

**DATE : 20<sup>th</sup> JUNE 2019**

**P.C.:**

1. Petitioner no. 1 is the husband of Respondent no. 5 who is the original complainant, who has lodged the first information report, on the basis of which the offence under Sections 498(A), 406, 323, 504 and 506 r/w 34 of the Indian Penal Code came to be registered against the Petitioner no. 1 and Petitioners No. 2 to 4 who are the parents and brother of the petitioner no. 1. During the pendency of the petition the parties are arrived at an amicable settlement and agreed to dissolve the marriage. In furtherance of the said intention to amicably settle the dispute, the consent terms came to be filed in Family Court, Mumbai at Bandra bearing Petition No. A-2008 of 2018.

2. In the said consent terms the parties have agreed to take divorce by mutual consent and to withdraw all allegations made against each other. It is agreed that the marriage solemnized on 23.05.2010 would be dissolved by converting into petition of Consent Terms for Mutual Consent Divorce. It is also agreed that the Petitioner No. 1 would pay an amount of Rs. 3,00,000/- to the Respondent No. 2 – Wife towards claim of her maintenance / permanent alimony for past, present and future. Accordingly, an amount of Rs. 1,00,000/- is received by wife.

3. The consent terms are placed on record before us through affidavit which is filed by Respondent No. 2. The Respondent No. 2 in the said affidavit has admitted that the consent terms are executed between the parties and she has also received an amount of Rs. 1,00,000/-. She has also given her no objection for quashing the First Information Report instituted against petitioners. The said affidavit is filed on 23<sup>rd</sup> April 2019.

4. Today during the course of hearing, Respondent No. 2 is personally present and she orally affirm contents of said affidavit. She

also states that she would render her full co-operation in the mutual divorce proceeding which are instituted by parties.

5. Since we have noted that the parties have decided to amicably settle the matter in terms of consent terms and also put to an end the criminal proceedings, in light of the settled legal scenario to encourage settlement in matrimonial dispute, we are, inclined to accept the settlement and quash the FIR. 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 Vs. State of Haryana (AIR 2003 SC 1386)**, we are of the view that quashing of the criminal proceedings would be in the interest of the 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 interest of justice, the proceedings of the subject criminal case are required to be quashed and set-aside. We quash and set aside the FIR No. I-36/2017 registered with Shivaji Nagar Police Station, Ambarnath in order to secure the

ends of justice.

Writ Petition is allowed in terms of **Prayer Clause 'A'**.

**(SMT. BHARATI H. DANGRE, J.)**

**(RANJIT MORE, J)**