IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.505 OF 2016
(modified as per order dated 16/4/2019)

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

WITH
WRIT PETITION NO.1185 of 2019

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.

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

DATED : 28th MARCH 2019

P.C:-

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.

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 to the husband in Writ Petition No.1185 of 2019. Consequently, a charge-sheet was filed which is numbered as RCC No.1181 of 2016 and 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 proceedings of the subject FIR/Criminal Application by consent. Respondent No.2 has filed separate affidavits 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, proceedings of the subject FIR/criminal application 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 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 and Criminal Case is quashed. 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.

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 Application 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 Application 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.)**