

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

CRIMINAL WRIT PETITION NO. 2472 OF 2019

Vijaykumar Bhimrao Salagadi
& Ors.

.. Petitioners

Vs.

The State of Maharashtra
& Ors.

.. Respondents

Mr.Ramdas Hake Patil for petitioners.

Mr.K.V. Saste, APP for State.

Mr.Prashant Raut, for respondent No.2.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 14TH AUGUST 2019

P.C.

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

2 The petition is filed for quashing and setting aside R.C.C. No. 1014 of 2018 pending with the Judicial Magistrate, First Class, Panvel, Dist. Raigad. The said case arises out of the registration of First Information Report No.341/2017 at the instance of the respondent No.2 for offences punishable under sections 498-A and 406 read with 34 of the Indian Penal Code, 1860 ('IPC').

3 Petitioner No.1 and the respondent No.2 got married on 15th July 2013. The rest of the petitioners are relations of the petitioner No.1. Marital dispute between the parties gave rise to filing of several criminal as

well as civil cases and the subject matter of the present petition is one of them. Pending trial of the subject criminal case, the parties have settled their dispute amicably, and, in pursuance of an understanding arrived at between them, have filed consent terms dated 25th April 2019 in Marriage Petition No. 190 of 2019 before the learned Civil Judge, Senior Division, Panvel. In view of these consent terms, parties agreed to dissolve their marriage by consent under the provision of section 13-B of Hindu Marriage Act, 1955. The petitioner No.1 also agreed to pay the respondent No.2 an amount of Rs.18,50,000/- towards permanent alimony/maintenance. At the time of signing of the consent terms, the respondent No.2 received an amount of Rs.3,50,000/- on 24th April 2019. The balance amount of Rs.15,00,000/- was also received by the respondent No.2 vide demand draft, dated 9th August 2019. The learned Civil Judge, Senior Division, Panvel in Marriage Petition No. 190 of 2019, by a judgment and decree dated 20th July 2019, had dissolved the marriage.

4 In the light of above, the parties have now approached this Court for quashing and setting aside the subject FIR. Respondent No.2 has filed an affidavit dated 13th August 2019 and in paragraph 11 reiterated whatever stated in the petition and has also 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 by the Court, she stated that she has

gone through the petition and affidavit as well and has fully understood the contents thereof. Respondent No.1 has further confirmed that she has given no objection for quashing the subject FIR on her own free will and without there being any pressure or coercion.

5 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***¹, 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 proceedings of the subject FIR is required to be quashed.

6 The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

1 AIR 2003 SC 1386