

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

WRIT PETITION NO.2275 OF 2018

Gaurav Harishchandra Srivastava
and Ors.

...Petitioners

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Shrikant Sonkawade for the Petitioners.

Mr. F.R. Shaikh, APP for the Respondent -State.

Mr. Vaibhav Bhure for the Respondent No.2.

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

DATE : 10th JULY, 2019.

P.C.:-

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

2. The petition is filed for quashing and setting aside the FIR
No.475 of 2017 registered with Dindoshi Police Station, Mumbai, at
the instance of the Respondent No.2 for offences punishable under
Sections 498 A, 406, 323, 504, 506 r/w. 34 of the Indian Penal Code,
1860.

3. The Petitioner No.1 and the Respondent No.2 got married in the year 2016. The Petitioner No.1 and the Respondent No.2 are husband and wife respectively and rest of the Petitioners are relatives of the Petitioner Nos.1 and 2. The marital discord gave rise to the subject FIR. Pending investigation parties arrived at amicable settlement and accordingly entered into memorandum of understanding dated 29th July, 2017, copy of which is at Exhibit-B, (page 36). In terms of the said understanding, the parties now have approached this Court for quashing the subject FIR by consent. The Respondent No.2 has filed an affidavit dated 20th February, 2019. In paragraph 3, she has given no objection to quash the subject FIR. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the said proceedings out of 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 criminal proceedings 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 criminal case are 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.]

Megha
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