

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 647 OF 2019**

Lalit Dashrath Gadkari and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Satyajeet P. Dighe, advocate for the applicants.
Mrs. Aruna S. Pai, APP for the State.
Ms. Sonali S. Jadhav, advocate for respondent No.2.

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

DATE : 30th SEPTEMBER, 2019.

P. C. :

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

2. The application is filed for quashing and setting-aside the FIR bearing CR No.104 of 2018 registered with Vani Police Station at the instance of respondent No.2, for the offences punishable under Sections 498A, 313, 323, 354(A)(D), 377, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the relatives of applicant No.1 and in-laws of respondent No.2. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject FIR is one of them.

4. Pending investigation, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed separate affidavits before the Family Court at Nashik in Petition No.A-273 of 2018, copies of which are annexed at pages 28 and 32 of the petition.

5. In pursuance of an understanding arrived at between the parties, they have now approached this Court for quashing and setting-aside the subject FIR by consent of respondent No.2. Respondent No.2 has, accordingly, filed an affidavit dated 25th September, 2019. In paragraph 7 thereof, she has given her no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application 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 subject FIR out of her own 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 FIR alive 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 and set-aside. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]