

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

CRIMINAL APPLICATION NO.669 OF 2018

Mr.Dhawal Ravindra Lagwankar & Ors. ..Applicants
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.M.R. Joshi for the Applicants.

Mrs.A.S. Pai, APP for the Respondent-State.

Mr.G.S. Patil for Respondent No.2.

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

DATE : 24th JUNE 2019

P.C.

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

2. The petition is filed for quashing and setting aside the proceedings i.e. Criminal Case bearing RCC No.232 of 2018 pending on the file of 3rd Court of J.M.F.C., Kalyan. The said case arises out of the registration of the FIR bearing C.R. No.I 09 of 2018 registered with Dombivali Police Station at the instance of respondent No.2 for offences punishable under Sections 498A read with 34 of the Indian

Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The applicant No.1 and respondent No.2 are husband and wife and rest of the applicants are relatives of the applicant No.1 and in laws of respondent No.2.

4. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present application is one of them.

5. Pending trial parties have settled their dispute amicably and accordingly filed settlement terms before the Civil Judge Senior Division, Kalayn in Marriage Petition No.1360 of 2017. Copy of the consent terms is placed on record.

6. In terms of the understanding arrived between the parties, they have now approached this Court for quashing of the subject Criminal Case by consent.

7. Respondent No.2 accordingly has filed affidavit dated 24th June 2019 in paragraph No.9A she has given no objection to quash the subject proceedings.

8. The applicant No.1 and respondent No.2 are personally present in the Court both of them have stated that they will abide by the consent terms. The statement is accepted as undertaking. In addition to this respondent No.2 also stated that she has no objection to quash and set aside the subject criminal proceedings.

9. 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 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 is required to be quashed. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)