

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

CRIMINAL APPLICATION NO.672 OF 2019

Deepkiran Prakash More ..Applicant
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.Durgesh Jaiswal I/b Mr.G.M. Dubash for the Applicant.

Mr.K.V. Saste, APP for the Respondent-State.

Ms.Sujata a. Lad-Korday for Respondent No.2.

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

DATE : 05th JULY 2019

P.C.

1. The applicant who is arraigned as accused in C.R.No.291 of 2016 registered with MIDC Police Station, Mumbai has approached this Court for quashing and setting aside the said C.R. as well as consequent criminal case No.648/PW/17 pending before the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai.

2. The applicant and the respondent No.2 were married and the matrimonial discord between them gave rise to the filing of the civil and criminal proceedings. The subject FIR with the MIDC

Police Station at the instance of Complainant Mrs.Aparna Deepkiran More is one of the proceeding. During the pendency of the Criminal Case, parties have approached the Family Court at Bandra and filed consent terms in Petition No.A-1400 of 16. The said consent terms have been placed on record at Exhibit-B, page-33 of the Petition and by the said consent terms, parties have approved that the marriage solemnized on 19.05.2013 would be dissolved by mutual consent. The petitioner has also agreed to pay an amount of Rs.4,25,000/- to the respondent-wife towards claim of the lump sum maintenance and permanent alimony for the past, present and future settlement. Accordingly a Demand Draft is deposited before the Family Court at Mumbai.

3. Pursuant to the said consent terms, respondent No.2 has filed affidavit dated 06.06.2019. In the said affidavit, she has categorically stated that differences between the applicant and herself have been settled amicably settled without any coercion and pressure and she has filed an affidavit thereby according consent for quashing of the criminal case pending before the Metropolitan Magistrate, 22nd Court, Andheri, Mumbai. Her no objection is recorded in paragraph Nos.7 and 8 of the affidavit. The respondent No.2 is personally present in the Court. When we have inquired about the contents of the affidavit which she has filed on

06.06.2019, she affirms to the said contents and she has given no objection to quash the subject proceedings which were instituted pursuant to her complaint.

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 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 interest of justice, the subject FIR bearing C.R.No.291 of 2016 registered with MIDC Police Station, Mumbai and criminal case No.648/PW/17 pending before the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai is required to be quashed. The application is, accordingly, made absolute in terms of prayer clause (B) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)