

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2957 OF 2019**

Mayuresh Vishnu Desai & ors. ...Petitioners

Versus

State of Maharashtra & anr. ...Respondents

Mr. N. S. Kulkarni, for the Petitioners.

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

Mr. Pradip Chavan, for Respondent no.2.

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

DATED : 4th OCTOBER, 2019

PC:-

1. Mentioned for production board. Taken up on production board in view of urgency.
2. At the outset, the learned counsel for the petitioners seeks leave to amend the prayer clause.
3. Leave granted. Necessary amendment be carried out forthwith.
4. Heard Mr. Kulkarni, the learned Counsel for the petitioners, Mr. Saste, the learned APP for the State and Mr. Chavan, the learned Counsel for respondent No.3.
5. The petition is filed for quashing and setting aside the Criminal Case No.547/PW/2015, pending in the Court of 34th Metropolitan Magistrate Court, Vikroli, Mumbai. The said case arises out registration of First Information Report

bearing CR No.40 of 2015 registered with Nehru Nagar Police Station, Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 498-A, 406 read with 34 of the Indian Penal Code, 1860.

6. The petitioner No.1 and respondent No.2 are husband and wife. The rest of the petitioners are the relations of the petitioner No.1 and in-laws of respondent No.2. Marital discord between the parties gave rise to filing of the subject FIR.

7. Pending investigation, with the intervention of the elderly relatives in the family and well wishers, parties have settled their disputes amicably and accordingly filed consent terms before the Family Court at Bandra in Petition No. A-1836 of 2015, copy of the same is annexed at Exhibit-B. In terms of the understanding between the parties, now they have approached this Court for quashing the subject FIR. Respondent No.2 has filed an affidavit dated 3rd August 2019 and in paragraph 2 thereof, stated that they have agreed to settle all disputes amicably. In the said affidavit, respondent No.2 has stated that she has no grievance against the petitioners and she has filed affidavit on her own free will and volition and without any force or undue coercion of any connivance or collusion with any person.

8. Respondent No.2 is personally present before the Court. On specific query made by us, respondent No.2 has stated that she has no objection for quashing the subject FIR in view of the settlement between herself and the petitioners.

9. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the FIR, makes it clear that the allegations are totally personal in nature. No element of public law is involved. The genesis of the FIR is in marital discord, which the parties have amicably resolved. In these circumstances and, especially in view of the law laid down by the Apex Court in the case of *B. S. Joshi & Ors. Versus State of Haryana*,¹ we are of the view that quashing of the FIR would be in the interest of respondent No.2 also. 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 proceeding of the subject FIR is required to be quashed.

10. The petition is, accordingly, made absolute in terms of prayer clause (b) and stands disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]

¹AIR 2003 SC 1386.