

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3093 OF 2019**

Sachin Maruti Nikam and ors.	Petitioners
versus	
The State of Maharashtra and anr.	Respondents

Mr. Onkar Warange i/b. Ms. Nilima Sarvagod, advocate for the petitioners.
Ms. Sangita Shinde, APP for the State.
Ms. Kavita Rathod, advocate for respondent No.2.

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

DATE : 26^h AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing and setting-aside the FIR bearing CR No.I-216 of 2018 registered with Upanagar Police Station at Nashik, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.
3. Petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the relatives of petitioner 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. Pending investigation, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed consent terms in Miscellaneous Civil Application No.276 of 2018 before this Court. Under the said consent terms, the parties have agreed to dissolve their marriage under Section 13B of Hindu Marriage Act, 1955. Under the said consent terms, petitioner No.1 agreed to pay to respondent No.2, an amount of Rs.4,50,000/- towards full and final settlement towards her claim for maintenance. Out of this, an amount of Rs.2,50,000/- has already been paid and balance amount is to be paid at the time of passing decree of divorce.

5. In pursuance of the understanding arrived at between the parties, they have now approached this Court for quashing and setting-aside subject FIR by consent. Respondent No.2 has also filed an affidavit dated 26th August, 2019, wherein she has reiterated whatever that has been stated hereinabove and in paragraph 14, she has given her no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. 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

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 FIR, 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 is required to be quashed and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]