

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 806 of 2016

Pandhari s/o Rushi Meshram & ors .. Applicants
Versus
The State of Maharashtra & Anr .. Respondents

...

Mr.Siddharth Jagushte i/b Akash Kevade for the applicant.
Mr.F.R. Shaikh, APP for the State.
Ms.Ruchi Patil for respondent no.2.

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

DATED : 9th JULY 2019

P.C:-

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

2 Application is filed for quashing and setting aside the FIR bearing C.R. No.0272 of 2016 registered at the instance of Respondent no.2 for an offence punishable under Section 498A read with Section 34 of the IPC and Section 3, 4 of the Dowry Prohibition Act, 1961.

3 The applicant no.5 and respondent no.2 got married on 14th February 2015. Rest of the applicants are relatives of the applicants. Matrimonial disputes between the parties gave rise to the filing of civil as well as criminal proceedings by the parties against one another and the subject petition is one of them. Applicant no.5 and respondent no.2 approached the Court of Joint Civil Judge (Senior Division), Chandrapur and filed Hindu Marriage Petition No.222 of 2018. A decree of divorce by mutual consent was passed under section 13-B of the Hindu Marriage Act. By the judgment and decree dated 7th January 2019 passed in Hindu Marriage Petition No.222 of 2018, marriage between applicant no.5 and respondent no.2 got dissolved. The said decree is placed on record.

4 By the order dated 5th January 2018, this Court issued notice to the respondent no.2 in the above application. Respondent no.2 received notice and in reply thereto, same letter dated 19th August 2016 wherein she stated that she apprehends danger to her life and it is not possible for her to travel to Mumbai. In light of the contents of the said letter, fresh notice was issued to the respondent no.2 informing whether she desires to avail services of an Advocate from the Legal Aid Panel to represent her in the matter. However, she did not appear. Thereafter, by the order dated 11th June 2019,

we appointed Advocate Ms.Ruchi Patil to represent respondent no.2.

5 Advocate Ruchi Patil makes a statement that she had a telephonic talk with the respondent no.2. She stated that respondent no.2 has informed her that she has no objection to quash the proceedings of the subject FIR as against the applicant. She has also stated that parties are now divorced and dispute between them is amicably settled.

6 We have also perused the FIR and found that there are no specific allegations against the applicant and the allegations are general in nature. In our opinion, the provisions of Section 498A of the IPC and Section 304 of Dowry Prohibition Act are not applicable.

7 In light of above, we are of the opinion that no fruitful purpose would be served by continuing criminal proceedings against the accused.

8 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 criminal proceedings 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 proceedings of the subject criminal case are required to be quashed and set aside.

9 Hence, we quash and set aside the FIR bearing C.R.No.0272 of 2016 registered with P.S.O Police Station, Karhad, District Satara. The application is, accordingly, made absolute in terms of prayer clause (1).

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)