

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3314 OF 2019.

Shri Sagar Ravindra Pardeshi & Anr .. Petitioners
Versus
The State of Maharashtra & Anr .. Respondents

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Mr. Vaibhav Ugle for the petitioners.
Mr. Akhil Kapade for respondent no.2.

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

DATED : 2nd JULY 2019

P.C:-

1 Heard learned counsel for the respective parties.

2 Writ Petition seeks quashing of the charge-sheet bearing RCC No. 3980 of 2018 arising out of FIR No.200 of 2018 filed on 2nd May 2018, thereby invoking the provisions of Sections 498(A), 323, 504 and 34 of the Indian Penal Code. The said C.R/FIR came to be registered on a complaint lodged by the respondent no.2 who is the wife of petitioner no.1 and the daughter-in-law of the petitioner no.2.

3 Marital discord between the parties led to filing of several proceedings including the proceedings under the Domestic Violence Act. During the pendency of the said proceedings and the present C.R, the parties have mutually agreed to approach the competent Court seeking mutual divorce under Section 13(1)(b) of the Hindu Marriage Act. Accordingly, they have approached the Family Court at Pune by filing Divorce Petition No. 634 of 2019 seeking divorce by mutual consent and setting out the terms and conditions subject to which the divorce is sought which includes the condition of a permanent alimony of Rs.10 lakhs being tendered to the respondent no.2.

4 It is decided by the parties to dissolve the marriage and accordingly, application for mutual divorce is placed on record which is solemnly affirmed by both the parties on 18th June 2019.

5 In view of the said settlement sorted out between the parties, an affidavit is tendered by the complainant/ respondent no.2 before this Court on 24th June 2019. The respondent no.2 has made a statement in the said affidavit that the dispute between the parties stands dissolved and she has no objection to quash the subject FIR. Respondent no.2 is personally present in the Court and she accords her consent to the said affidavit.

6 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 i.e. FIR No.200 of 2018 deserves to be quashed and set aside and is accordingly quashed in exercise of the inherent jurisdiction of this Court.

Criminal Writ Petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)