

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (ST) NO. 1087 OF 2019**

Rajesh Ramesh Thakur ...Applicant
Versus
Mrs. Sulekha Mudalagiri Kamath & anr. ...Respondents

Ms. S. C. Naik, for the Applicant.
Ms. Kadambari Surve, for Respondent no.1.
Mrs. A. S. Pai, APP for the State/Respondent no.2.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED : 11th OCTOBER, 2019**

PC:-

1. Heard Ms. Naik, the learned Counsel for the applicant, Ms. Surve, the learned Counsel for respondent No.2 and Mrs. Pai, the learned APP for the State.

2. The application is filed for quashing and setting aside Criminal Case No.PW/0000038/2019 pending before the Additional Metropolitan Magistrate, 73rd Court, Vikhroli, Mumbai. The said case arises out of registration of First Information Report ("FIR") bearing CR No.394 of 2018, dated 30th August, 2018, registered with Pantnagar Police Station, Mumbai, at the instance of respondent No.1, for the offences punishable under sections 498-A, 504 and 506 of the Indian Penal Code, 1860.

3. The applicant and respondent No.1 are the husband and

wife. The marriage of applicant and respondent no.1 was solemnized on 18th June, 2011. Marital discord between the parties gave rise to filing of civil as well as criminal proceedings. The present proceeding is one of them.

4. Pending trial, with the intervention of the elderly relatives in the family and well wishers, parties have settled their disputes amicably. In terms of the understanding between the parties, now they have approached this Court for quashing and setting aside the subject criminal case/FIR. Respondent No.1 has filed an affidavit dated 16th September, 2019. In paragraph 6 thereof, respondent No.1 has stated that she has no grievance against the applicant 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.

5. Applicant and respondent No.1 are personally present before the Court. On specific query made by us, they stated that they have settled their disputes amicably. Respondent No.1 has stated that she has no objection for quashing the subject criminal case/FIR in view of the settlement between herself and the applicant.

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. 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.1 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 criminal case/FIR is required to be quashed.

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

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]

1AIR 2003 SC 1386.