

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 758 OF 2019

Mr.Ajay Shivismurtprasad Gupta
& Ors.

.. Applicants

Vs.

1. The State of Maharashtra
& Ors.

.. Respondents

Mr.Rarendra C. Panthagani for applicants.

Mr. Deepak Thakare, Chief P.P. a/w. Mr.S.R. Shinde, APP for respondent No.1-State.

Mr.Siddharth Chandrashekhar I/b Li Shu Fen, Advocate for respondent No.2.

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

DATE : 4TH SEPTEMBER 2019

P.C.

1. Heard the learned counsel for the applicants, the learned counsel for the respondent No.2 and the learned APP for respondent No.1-State.

2. The application is filed for quashing and setting aside the First Information Report bearing No. 267 of 2019, registered with Malad Main Police Station, at the instance of the respondent No.2, for offences punishable under sections 498(A) and 34 of the Indian Penal Code, 1860 ('IPC').

3. The applicant No.1 is the husband and respondent No.2 is wife and

the rest of the applicants are relations of the applicant No.1 and in-laws of respondent No.2. Marital discord between the parties gave rise to filing of several criminal as well as civil cases and the subject matter of the present petition is one of them.

4. Pending investigation of the subject FIR, the parties have settled their dispute amicably, and, in pursuance of an understanding arrived at between them, have filed consent terms for divorce by mutual consent before the VIIth Family Court at Bandra, Mumbai in M.J. Petition No. A-2200 of 2018. A copy of the said consent terms is placed on record along with consent affidavit.

5. In the light of above, the parties have now approached this Court for quashing and setting aside the subject FIR. Respondent No.2 has filed an affidavit dated 5th August 2019 and in paragraphs 1 and 2, she has given no objection for quashing the subject FIR. The petitioner No.1 and the respondent No.2 are personally present before the Court. On being questioned by the Court, the petitioner No.1 and the respondent No.2 make specific statement that the terms of the consent terms will be complied with. The statement is accepted as an undertaking to this Court. In addition the respondent No.2 has further confirmed that she has given no objection for quashing the subject FIR on 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 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*¹, 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 proceedings of the subject FIR is required to be quashed.

7. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

1 AIR 2003 SC 1386