

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 808 of 2019

Mr.Amol Kisan Bhujbal	.. Applicant
Versus	
The State of Maharashtra & Anr	.. Respondents

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Mr.Sumit Kate i/b U.P. Warunjikar for the applicant.
Mr.Deepak Thakare,PP with Mr.A.D. Kamkhedkar, APP for the State.
Ms.Vaishnavi M. Gujarathi for respondent no.2.

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

DATED : 31st 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.171 of 2019 registered with Mundhwa Police Station, Pune at the instance of Respondent no.2 for an offence punishable under Section 498A, 504 read with Section 34 of the Indian Penal Code.

3 The applicant and respondent no.2 are husband and wife. 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.

4 The learned Counsel appearing for the respective parties submitted that during the pendency of investigation / criminal proceedings, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above FIR by consent of Respondent No. 2.

5 In terms of the above understanding, parties have entered into Deed of Compromise which is annexed at Exhibit -B page 12. Respondent No.2 is present in the Court. On inquiry, she states that she has understood the contents of the Deed of Compromise and she also states that she is not interested in prosecuting the subject FIR in view of the settlement between the parties.

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.

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 No.171 of 2019 registered with Mundhwa Police Station, Pune. Criminal Application is, accordingly, made absolute in terms of prayer clause (a) of the petition.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)