

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

CRIMINAL APPLICATION NO. 809 OF 2019

1. Mr.Sagar Anant Labde

& Ors.

.. Applicants

Vs.

1. The State of Maharashtra

(through Antop Hill Police Station)

& Anr.

.. Respondents

Mr.Satyaram R. Gaud for applicants.

Ms.Sangita Shinde, APP for respondent No.1-State.

Ms.Gayatri Sahane, for respondent No.2.

Mr.Sagar Anant Labde, Applicant No.1 present.

Mrs.Poonam Sagar Labde-respondent No.2 present.

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

DATE : 28TH AUGUST 2019

P.C.

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

2 The application is filed for quashing and setting aside the First Information Report bearing C.R. No.358/2018 registered with Antop Hill Police Station, Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 498-A, 504, 506, 323 and 406 read with 34 of the Indian Penal Code, 1860.

3 The applicant No.1 and the respondent No.2 are husband and wife. The rest of the applicants are the relations of the applicant No.1 and in-laws of the respondent No.2. Marital discord between the parties gave rise

to filing of the subject FIR. Pending investigation, parties have settled their disputes amicably and have entered into consent terms, dated 7th June 2019 filed before the Family Court, Bandra, Mumbai in Petition No. A-3252 of 2018, which is annexed at Exh.'B' the the petition. In terms of the understanding between the parties, the parties have approached this Court for quashing the subject FIR. Respondent No.2 has filed an affidavit dated 28th August 2019 and in paragraph 6 thereof, stated that she has no objection for allowing the application for quashing the subject FIR. The applicant No.1 and the respondent No.2 are personally present before the Court and make statement that they will comply with the consent terms. The statement is accepted as an undertaking to this Court. In addition to this, on specific query made by us, the respondent No.2 stated that she has no objection for quashing the subject FIR and she has filed the affidavit on her own free will and without any sort of pressure, coercion by any person.

4 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*

Haryana¹, we are of the view that quashing of the FIR would be in the interest of applicants 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 proceedings of the subject subject FIR is required to be quashed.

5 At the same time, costs need to be saddled on the applicants for using the police and judicial machinery for settling their personal disputes. In view of this, the applicants to pay a sum of Rs.20,000/- as costs. This amount of Rs.20,000/- to be paid to “**Tata Memorial Hospital**”, an institution that takes care of the patients suffering from cancer at advance stage and/or terminally ill due to cancer. For the quashment to take effect, the applicants shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

6 Subject to above, the application is, accordingly, made absolute in terms of prayer clause (a) and disposed of accordingly.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

1 AIR 2003 SC 1386